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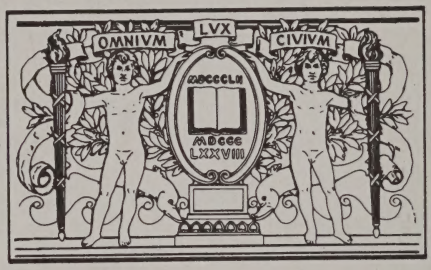

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THE

NORTH AMERICAN REVIEW.

VOL. XCIII.

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BOSTON:
CROSBY, NICHOLS, LEE AND COMPANY,
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1861.

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ERRATA.

Page 376, line 24, *for* not, *read* note.
" 379, " 2, *for* increase, *read* universe.
The last two sentences of the first paragraph of page 385 require correction, as the discussion has been continued.

NORTH AMERICAN REVIEW.

No. CXCII.

JULY, 1861.

ART. I. — *Reports of the Commissioner of the General Land-Office*, 1858, 1859, 1860. Washington: Printed by the Public Printer.

WE have thought that literature — especially periodical literature — bestows its honors upon abstract and ancient topics to the neglect of the practical things of the present. It seems to recognize more dignity and importance in the controversies and strifes of barbaric nations, if time has only covered them with its venerable veil, than in the realities of our own day. The fine frenzy of the poet rarely condescends to people present scenes with its fair images; what little he gives us about contemporary men and things, is apt to be rhyme without inspiration. But this was not always so. It was a wise stroke of statesmanship in Augustus when he induced Virgil to write the Georgics. The charming pictures of the serene enjoyments of agricultural life which the great poet drew, inflamed the Roman people with new zeal for the labors of the soil, and once again restored fertility and verdure to fields which had long lain in barrenness and decay. We wish some "rural Maro" would appear in these times to kindle a more ardent and universal taste for the cultivation of the earth, by the sublime example of those "awful fathers of mankind" who

> "held the scale of empire, ruled the storm
> Of mighty war; then, with unwearied hand,

Disdaining little luxuries, *seized*
The plough and greatly independent lived."

The area of public lands yet unoccupied in the limits of the United States amounts to upward of one million four hundred and seventy-eight thousand square miles; a surface out of which thirty-seven States may be formed as large as the State of Ohio. And whoever shall live to calculate its extent from actual survey will, we apprehend, find our estimate altogether too small. Of this area the Indian title is extinguished to only about an eighth part, and the remainder is therefore not yet subject to settlement.

Whether we contemplate this mighty domain from the student's closet or from some horizon-bounded expanse amid its solitudes, its grandeur is not overwhelming; for as the poet describes the mind as grown colossal by the majesty, power, and beauty of St. Peter's, so does it expand at the contemplation of this imperial wilderness, and of the Providence which destines it for the abode of civilization.

It is a peculiar fact, that, in proportion as our territory has been remote and unknown, the tendency has been to depreciate its quality and value. Hence it is that very much of our fertile territory is already condemned to gloomy and desolate sterility. Military expeditions have done much, however, to redeem the Western wilds from this unhappy doom, and to open the way to their cultivation. It was the expeditions to suppress hostile Indians that led to the discovery of the rich bottoms and towering forests watered by the Ohio. Once the whole of Kansas was thought unfavorable for agriculture; but the volunteer troops who crossed it in 1847, on their way to the Mexican war, sent back glowing descriptions of the luxuriant verdure which covered its rolling prairies; and many of those men have since returned thither to settle. We think there can be no doubt that by far the greater portion of the unoccupied territory of the United States will prove available to the wants of civilized men. By some it was supposed — certainly it was said — that beyond the boundaries of Iowa the country bordering on the Missouri, especially in what is now commonly designated as Dacotah, was an arid plain. The explorations of Nicollet, however, in 1839, established a much

more satisfactory state of facts. He was a man of science, and his report shows a constant aim to be exact and truthful. He tells us that the Big Sioux, one of the largest rivers in Dacotah, flows three hundred and fifty miles "through a beautiful and fertile country." And the Surveyor-General, in his Report for 1859, says of the surveys in that territory: "So far as returned, the notes of the deputy present a most favorable report as to the character of the country over which his lines passed, and there is little doubt but that it will be rapidly settled." Mr. Nicollet states, that from the eastern border of the Coteau des Prairies "the prospect is magnificent beyond description, extending over the immense green turf that forms the basin of the Red River of the North," and that "there can be no doubt that in future times this region will be the summer resort of the wealthy of the land."

Or let us follow the Missouri to its head-waters, and explore the diversified country among the mountains, and we find a region, from Fort Benton to Fort Walla-Wallah on the Columbia, a distance of six hundred miles, which, the Secretary of War tells us in his last annual Report, is "capable of sustaining a large population," and over which three hundred recruits performed a march in less than sixty days. Fort Owen on this route is situated in Bitter Root Valley, which is eighty miles in length, and averages about eight miles in width. Dr. Sackley, in the official report of his reconnoissance in 1853, says: "The soil of the valley is exceedingly fertile. Cattle do not generally require foddering in the winter, the snows are so light. All the numerous streams abound in fine trout. Grouse in the valleys, and in the mountains bear, deer, elk, beaver, and mountain sheep, are abundant." Concerning the Flathead section, Mr. Engineer Tinkham says: "The general valley of Flathead River and Lake, including the valley where the Hudson's Bay Company's small trading-post is, I consider as one of the most desirable for settlement, having much fertile soil and wooded lands, with all the other desirabilities of good wood and timber, pure water and air, and agreeable locations. Residences on the lake will be most agreeably situated for attractive scenery; and advantages of water communication are of considerable extent. The river

abounds with fish, mostly salmon and trout." What seems to exceed anything in mythology is the paradise in Hell Gate valley. In this valley, the same authority assures us, "There are many agreeable and promising locations for farming, where a good soil, plenty of good wood sufficiently near for lumbering or fuel, pure cool water, good grazing, and healthy climate, and a pleasing prospect, are inducements not often found united; and are sufficiently attractive to throng these mountain valleys at no distant day with a central population of vast importance." "From the confluence," says Mr. John Lambert, "of the rivers near Hell Gate, the main route avoids the difficult part of Bitter Root Valley, turning on a course directly north about twenty miles through a picturesque defile to an extensive and fertile prairie on Jocko River, where numbers of wild horses were seen." The same gentleman, remarking upon the mountain region, says that the "*available* country in the valleys and prairies can be reckoned — it is not too much to say — by thousands of square miles." Lieutenant Mullan pronounces the Bitter Root Valley one of "perennial spring"; and "not only capable of grazing immense bands of stock of every kind, but also capable of supporting a dense population. The mountain slopes on either side of the valley, and the land along the base of the mountains, afford at all seasons, even during the most severe winters, grazing-ground in abundance, while the mountains are covered with a beautiful growth of pine." "This section," he says, "connects with another of equal, if not superior importance, — that of the Cœur d'Alene country, which again connects directly by a beautiful section with the country at and near Walla-Wallah; thus showing that, from the main chain of the Rocky Mountains to the mouth of the Columbia, we possess a rich, fertile, and productive area." Of the timber resources of the country still nearer the Pacific, the Surveyor-General of Washington Territory, in his Report for 1859, says: "The magnificent fir and cedar forests of this region give employment to some twenty saw-mills, some of which employ four hundred men, and furnish cargoes of sawn lumber for some forty vessels employed in transporting this article of commerce to India, California, South America, and the islands of the Pacific."

These passages have been taken somewhat at random from voluminous testimony of an authentic character. Much more testimony of the same character might be quoted as to the advantages of other localities along the northern route to the Pacific. Concerning the resources of the country farther south, so much has been made known by the interesting narratives of Colonel Fremont and others, that it is unnecessary here to make particular reference to them.

The method of disposing of the public lands, and even of surveying them, which obtained from 1796 up to 1820, differed in many respects from the method now in operation. First, the land was divided into townships of six miles square by north and south lines, run according to the true meridian, and by others crossing them at right angles. Alternate townships were to be subdivided into sections, of six hundred and forty acres each, "by running through the same, each way, parallel lines at the end of every two miles, and by marking a corner on each of the said lines at the end of every mile," — the sections to be numbered progressively, beginning invariably at the northeast corner, and proceeding west and east alternately. It was made the duty of the surveyor to mark, at each corner so made, the number of the section and of the township within which it was situated; and to note in his field-book the situation of all mines, salt-springs, mill-seats, and water-courses, and also the quality of the lands. The surveyor was then required to make a plat of the township, one copy of which was kept in the office of the Surveyor-General, another sent to the department at the seat of government, and another deposited in the local office of the district in which the lands were situated. The compensation of the deputy-surveyors was not to exceed three dollars per mile. Four sections in each township were reserved for the future use of the government. The rest was sold to the highest bidder, at a price not less than two dollars per acre. The alternate townships which were *not* subdivided were offered for sale at the seat of government, in quarter-township tracts, — exclusive of the four reserved central sections, — each quarter-township comprising eight sections, which would be equal to 5,120 acres. The lands were also sold on credit, the purchaser being required to deposit

one twentieth part of the purchase-money at the time of the sale, and to pay a moiety of the sum bid within thirty days, whereupon he was allowed a credit of one year for the residue; but in case he failed of the punctual payment of that residue at the expiration of the year, the land reverted to the United States.

Under the operation of this credit system, many purchasers, of course, were unable to make payment within the prescribed time, and suffered forfeiture. We find, therefore, that numerous appeals were made to Congress for relief; and it was probably the growing evil of private or special legislation demanded of Congress on this account, that led to the abandonment of the credit system. It was abolished in 1820, and the minimum price was reduced from $2 to $1.25 per acre. Since that period, it has been required that every township should be subdivided, and, when offered at public sale, should be sold in tracts of eighty acres. The charges of $4 for issuing a patent for half a section, $5 for a whole section, and $20 for a quarter of a township, have also been abolished; patents being now issued, in due course of business, without charge.

The standard price of the public lands is now $1.25 per acre, except that, in sections alternate to those which have been donated in aid of railroads, within six miles of such roads the price is $2.50 per acre; and excepting also the price fixed under the Graduating Act. This last-mentioned act was passed in 1854, as a sort of compromise for the Homestead Bill, and provides for the disposal of lands which have been in market ten years at one dollar per acre; those that have been in market fifteen years, at 75 cents per acre; those that have been in market twenty years, at 50 cents per acre; those that have been in market twenty-five years, at 25 cents per acre; and those that have been in market thirty years, at 12½ cents per acre.

As early as 1811, one section in each township was reserved for the benefit of public schools. Now, in each township, two sections, the 16th and 36th, are reserved for that purpose.

It appears that for the year ending June 30,1859, 3,961,581.20 acres were sold for cash, yielding $1,628,187.13; that 2,941,700 acres were located in satisfaction of bounty land-warrants;

1,530,966.76 acres approved to different States under swamp grants; and 5,106,015 acres certified to certain States for railroad purposes.

During the year ending June 30, 1860, and the succeeding quarter, 9,649,471 acres were surveyed, and prepared for market; and 12,060,053.72 acres were disposed of as follows: 3,977,619.80 acres were sold for cash, yielding $2,021,425.97; 3,379,040 acres were located in satisfaction of bounty land-warrants; 2,037,770.92 acres approved to States under the swamp grants; and 2,665,623 acres certified to different States under the railroad grants.

Our public-land system employs constantly four hundred and twenty salaried officers, beside the deputy or practical surveyors. The annual expenses are as follows: —

Salary of Commissioner of the General Land-Office, . .	$3,000
Salaries of 124 clerks and other *employés* in Commissioner's Office, ...	161,690
Contingent expenses in same Office, ...	65,000
Offices of Surveyors-General, salaries from $2,000 to $4,500 per annum, with ten clerks on an average to each office, office rent, &c., ...	145,687
Eighty-seven local offices, Register and Receiver to each, with salaries of $500 each, beside fees, ...	87,000
Expenses of surveying, ...	215,000
Total, ...	$677,377

We have the satisfaction of assuring persons who are seeking positions in this branch of the public service, that the following instances of inconvenience and sacrifice are exceptions to the general rule. Rooms appear to be scarce at $500 per annum in Great Salt Lake City: —

"The only apartment I have occupied since my arrival, and in which I have to hold counsel on matters connected with the surveying service, and on others involving important public interests, is a very small *dark* room, destitute of a stove or fireplace. In this apartment I have so far been compelled to transact all my business." — *Report of Surveyor-General of Utah*, 1859, *Commissioner's Report for* 1859, p. 200.

The Surveyor-General of Florida suffers the loss of a part of his salary by the discount on treasury drafts: —

"On the receipt of the treasury draft, owing to the scarcity of money, no banks, and the little commerce of the place, it is impossible to obtain either gold or silver, or their equivalents, for the draft; and we are compelled to deposit them with some merchant, and trade out the principal part of it, at his own prices, for supplies, receiving a portion in such bank-bills and shin-plasters as he may be in possession of. I have not known of a single draft being disposed of here by one of the *employés* where one third of the amount could be obtained in specie." — *Report of Surveyor-General of Florida*, 1859, *Commissioner's Report for* 1859, p. 104.

We have already mentioned the method of surveying the public lands prior to 1820. By the act of April 20th of that year, the public lands are subdivided into tracts of half-quarter sections, which comprise eighty acres. On the plats, the land is further subdivided into forty-acre tracts; and it often happens that, on meandering rivers and lakes, tracts are divided into smaller fractions; but there are no monuments to denote these on the land, and they can be ascertained only by first ascertaining the section and half-section lines. The *range* of townships is the north and south series in which they lie. In going upon surveyed public land, the observer ascertains the particular subdivision on which he is by the monuments and inscriptions made by the surveyor, which are *section* or mile posts at the corner of each section, having marked upon each the number of the section, township, and range, and *quarter-section* or half-mile posts, having on them the mark, ¼ S. Deputy surveyors employed in subdividing townships receive, on an average, $5 per lineal mile, and a company of six surveyors average six miles per day. They are instructed to plant seeds of trees on prairie land; but this is seldom observed, as there is no law absolutely requiring the service. The Surveyor-General of Washington Territory states that the Lieutenant-Governor of British Columbia has adopted the United States system of surveys in that colony as "the best known mode of laying off wild lands."

The practical policy of the United States has been, to use the public lands as a source of federal revenue. Such was the early policy of the government; and it appears yet to be dictated by the letter of the statutes now in force, if not by

their spirit. But consider how inadequate they are for this purpose. We have seen that, for the year ending June 30, 1859, the cash proceeds were a little upward of a million and a half of dollars. Deduct from this sum the annual expenses of the system, which are over half a million of dollars, and we have a million of dollars left. But is this revenue? On the contrary, it is refunding into the treasury what has, perhaps, already been paid out to extinguish the Indian title to those lands.

But the proceeds of the sale of public lands are still more untrustworthy than inadequate. As the ordinary means of revenue languish and fail, so in a far greater ratio do the sales of public lands diminish. When commerce thrives, duties on imports fill the treasury to overflowing. Then capital, abundant and enterprising, pushes on improvements in the wilderness, and attracts thousands of additional purchasers of the public lands. And so, when there comes a revulsion, and duties on imports diminish, the same reaction affects the sale of lands. These facts are demonstrated by the actual experience of the treasury, as will be seen by the receipts from revenue during the year when trade and speculation were at their height, just preceding the revulsion of 1857, and the receipts during the year succeeding the revulsion: —

Receipts into the treasury for the year ending June 30, 1856, from customs, ...	$ 64,022,863.50
Sales of public lands, ...	8,821,447.03
Receipts into the treasury for the year ending June 30, 1859, from customs, ...	$ 49,565,824.38
Sales of public lands, ...	1,628,187.13

Thus we see that, when the treasury is becoming empty from the decrease of duties on imports, the sale of the public lands equally declines.

Let us, in the next place, consider the general effect upon the country of treating the public lands as a source of revenue, and, as a part of such policy, hurrying them into market. One effect is, to transfer the title to a large quantity of such

lands to non-resident capitalists, who are content to suffer them to remain in a wild condition for several years, till they rise in value. The first settlers in a new country will prefer to advance farther on the frontier, and purchase of the government at the minimum price, rather than pay a profit to the capitalist or speculator. Large tracts of land, extending for miles without an improvement, are therefore found in new States and Territories, between populous settlements, which the emigrant is obliged to pass over in pursuit of a frontier home. These wild tracts thus intervening among settlements are an inconvenience in respect to the construction of roads, and other internal improvements, and, while they give an inhospitable appearance to the frontier, also tend to retard its growth. They gradually rise in value. And why? Because the frontier man finally surrounds them with his cultivated fields, crosses them with convenient roads, and, by his toil, makes them desirable and valuable to a wealthier class of settlers, who generally wait till the frontier is disarmed of its privations. It is true, such unoccupied lands are taxed; but that is no equivalent for their remaining idle, since, if occupied and cultivated as they would have been if left to the actual settler, they would not only have produced a higher tax to the State or Territory in which they are situated, but the occupation and cultivation of them would have contributed to that general development and increase, the toil of which must first prepare a way for affluence and civilization. In any view of the subject, therefore, the sale of the public lands faster than they are required for actual use is of no benefit to any one but the non-resident purchaser, and is an incalculable evil to the frontier. The government has substantially admitted this. President Buchanan, in his inaugural address, said, "It is our cardinal policy to reserve these lands, as much as may be, for actual settlers." And Mr. Commissioner Hendricks, in his annual Report for 1856, says: —

"Except so far as Congress may make grants to the land States and Territories in aid of educational and internal improvement purposes, *it is believed to be the true policy of the government to secure the public lands to actual settlers thereon, and withhold them, as far as practicable, from speculators.* This may be accomplished under the

present system by a slight modification of the pre-emption laws. In the case of lands not subject to private entry, not having been offered at public sale, the existing laws prescribe no limited period within which the pre-emptor shall complete his entry by the requisite proof and payment, except that it shall be done before the time fixed for the public sale of the land. To compel a consummation of the entry, it is necessary to proclaim the land for public sale. Were a time fixed by law, within which the proof of settlement and improvement should be presented and payment made, *it would obviate the necessity of public sales, and leave the entire domain to the settlers under the pre-emption laws.* An amendment of the act of 1841, with this view, is recommended."

Mr. Secretary Thompson, in his Report for 1857, recommends an amendment to the laws requiring "that settlers upon unoffered lands should be required to make their proof and payment within a specified period," and says: —

"The policy of the law is to favor the actual settler. It is a humane, wise, and just policy. When the hardy pioneer breaks off from the comforts and security of a long-settled community, and encounters the hazard and endures the hardships and deprivations of a new settlement in the forest, he has *rendered a positive service to the government;* and to deny him the right of securing his home and improvements, in preference to all others who would profit by his sacrifices, would be a crying injustice."

In 1859, on motion of Mr. Grow, the House of Representatives of the United States, by a vote of 98 to 81, adopted the following amendment to a bill: "No public land shall be exposed to sale by proclamation of the President, unless the same shall have been surveyed, and the return of such survey duly filed in the Land-Office, for ten years or more before such sale"; but the bill to which it was attached was finally defeated.

The bringing the public lands into market works a further and greater injury to the frontier than has been mentioned. After these lands have been *offered* at public sale, they are subject to *private entry*, and may be purchased at the local land-office in tracts of forty acres or forty times that quantity, at one dollar and twenty-five cents per acre, by any one who has the money. This gives an advantage to the specu-

lator over the actual settler; for the former, if he does not personally examine the land, can to a reasonable certainty satisfy himself of its quality by an examination of the plats of the survey, and the field-notes descriptive of the land, on file at the local land-office. He can thus cull out the best tracts of timber in the forest, and of luxuriant prairie on the shore of a beautiful lake, in advance of the settler, and can straightway leave the country. It happens, therefore, that, although a small quantity of lands may be disposed of during the public sale, speculators are wont to hover around the land-office soon after the sale is concluded, when they can make their selections with more deliberation. In this way large portions of the public land are purchased by persons who expect never to see them, and never to lay out a dollar for their cultivation. So we perceive that, as soon as the pioneer has overcome the disadvantages of a previous land sale, has partially surrounded himself with the comforts bought by continued industry, and welcomed the tardy and faltering approach of order and security, — after he has cut his way to a market, and rendered the land beyond him attractive to others who wish to try their fortunes in the wilderness, — another land sale is ordered, and enjoins to long solitude a region which soon might have smiled with harvest fields and villages.

Let it be observed that we are not now inquiring into the justice of this system, nor into the rights of either party in the premises, but simply as to the effects of the system; and we do not hesitate to assert, that these effects are not only a permanent hinderance to the prosperity of the frontier, but a positive calamity.

It cannot require any argument to show that what is detrimental to the agriculture of the new States and Territories must necessarily be injurious to the general interests of the country. It is so because it lessens the general abundance of the products of the earth, and discourages thousands in our crowded communities from pushing their way to the public lands and engaging in the laudable and vigorous employment of their cultivation.

But, say the advocates of the system of public sales, there are 74,468 military bounty land-warrants outstanding, which

will require upward of eight millions of acres, and justice to the holders of these requires that the lands should be brought into market. We do not perceive that justice requires any such thing. It is true that after a public sale, as we have seen, there is a better opportunity for the private entry of lands, either by cash or the location thereon of land-warrants, and so a public sale cannot fail to raise the price of warrants; but if no sale takes place, there is yet a daily demand for warrants by pre-emptors, who almost invariably make payment with them.

Under the acts of Congress of 1847, 1850, 1852, and 1855, the number of warrants which had been issued up to September 30, 1859, was 525,008, requiring for their satisfaction the enormous quantity of 56,920,130 acres, — 88,937 square miles, — an area almost as large as both the great States of Illinois and Indiana. These warrants, it is well known, are seldom located by the party to whom they are issued, but are sold for money, generally at considerable discount, and become the capital of stock-brokers and speculators. Now, can this practice of issuing warrants be discontinued without injury to the military service? We believe that it can be. If the ordinary pay of soldiers is not enough, let the deficiency be made up to them in money, in which case they will receive all the government pays; which is not the case in respect to warrants. Fishing bounties are paid in money, and why not military bounties? Probably one third of the immense domain which has been absorbed by warrants will remain in its natural condition as the subject of speculation, and as an obstacle to the development of the West for ten years to come. And is this economy? Is it statesmanship? In our opinion it is far otherwise. Nor is there any sufficient excuse for so short-sighted a policy, except that it was inaugurated before the popular mind had begun to place a just and proper estimate upon the value and uses of the public domain.

There is one way, perhaps, in which small portions of the public lands might be appropriated as a bounty. If fishermen and soldiers deserve a bounty, why should not the pioneer have one, in consideration of the sacrifices he endures and the benefits he confers by opening the wilderness? Would it not be

conducive to the best interests of the country to bestow a small tract of land upon the settlers of our territories, as a bounty for a certain number of bushels of grain per acre which they should produce for two or three years in succession of the first years after their settlement, or for a specified amount or value of live stock to be raised?

The right of *pre-emption* is the right given over all other claimants to a person to enter, at the minimum price, a quarter-section, or smaller quantity, of land, upon which he actually resides and has made improvements. This right was recognized and granted to settlers in different localities by special, and sometimes by general acts of Congress, from a very early period in the history of the government. Up to 1841 it had always been extended as a measure of relief or indulgence, and not as a right to be enjoyed in the future. When the act of 1838 — which granted the right of pre-emption to those who had settled prior to December 1, 1837 — was before the Senate, Mr. Webster, in giving it his hearty support, encountered earnest remonstrances from his party friends. His course seems to have excited surprise. In reply to Mr. Clay, he said, "Notwithstanding the surprise which it has pleased the honorable member from Kentucky to express at my support of this bill, I shall continue that support." Mr. Webster also encountered the earnest opposition of his colleague (Mr. Davis) from Massachusetts; and in further discussion of the bill made the following remarks, which are quoted to show that the pre-emption principle had not then acquired a permanent footing: —

"Much has been said of the general character of these settlers. I have no extensive information, sir, on that point, and had not intended to say anything upon it. But it has so happened that I have recently been in the Northwest, and have met, for a short time, with many of these settlers; and, since they have been spoken of here with so much harshness, I feel bound to say that, so far as my knowledge of them goes, they do not deserve it. *Undoubtedly, sir, they are trespassers in the contemplation of law.* They know that very well. They are on the public lands without title; but then they say that the course of the government heretofore has been such as to induce and encourage them to go where they are, and that

they are ready and willing to do all that government has required from others in similar circumstances; that is, to pay for the lands at the common price. They have the general character of frontiersmen; they are hardy, adventurous, and enterprising. They have come from far, to establish themselves and families in new abodes in the West. They appeared to me to be industrious and laborious; and I saw nothing in their character or conduct that should justly draw upon them expressions of contumely and reproach." — *Works of Daniel Webster*, Vol. IV. pp. 398, 399.

The act of September 4, 1841, was a general act, which secured the right of pre-emption to settlers who might *thereafter* in person occupy, improve, and reside upon a tract of land not exceeding 160 acres. Those who can avail themselves of it are heads of families, or single persons upward of twenty-one years of age, who are citizens of the United States, or who have declared their intention to become citizens. The person claiming the benefit of the act must, after he has made his settlement, file a declaration of the same in writing with the register of the land-office in the district in which the land is situated, specifying the particular subdivisions of land he claims. He may settle upon any subdivision less than 160 acres; but whatever tracts he claims must be contiguous. If the settlement is on a regular quarter-section, proof of improvements in one place will be sufficient; but if the settlement is on subdivisions, though contiguous, in different quarter-sections, there must be proof of improvements on each of the subdivisions. It is immaterial what sort of a dwelling or of improvements may be put on the land, providing they are executed in good faith; nor is there any standard value by which they are to be measured. Accordingly it happens that the humblest log-dwellings, without floor or plastering, are held to fulfil the statute, if they are actually occupied as residences. In a contested case, where it was in evidence that one party lived in a log shanty, in the side of which there was a hole large enough for a man to put his head through, the department, on appeal, held that such a dwelling was sufficient, inasmuch as it satisfied the settler, and was occupied in good faith. The settler can commence his settlement by any improvements or labor he chooses, either by marking his claim,

cutting timber for a dwelling, ploughing, or by any other work. He is required to use ordinary diligence in perfecting his improvements; but if circumstances, whether of health or pecuniary condition, make it reasonable that he should be absent for a part of the time, he will not thereby lose any right. It has, therefore, been held, that where a pre-emptor was a mechanic, and for the time being could earn more by working in a village near his claim, the fact that himself and family resided in such village the greater part of the time after his settlement, and previously to proving his claim, — it appearing at the same time that his improvements and occupancy of the claim showed a *bona fide* intention to make it his home, — did not debar them from pre-empting. So if a person should in good faith commence a settlement, and then be driven off by force, he could pre-empt even if he had not occupied the land a day, if the force or violence had been such as to deter a man of ordinary prudence from keeping possession. It seems that a settler is authorized before paying for the land to cut timber enough for his improvements and fuel, but for no other purposes. He must furnish proof of his settlement, residence, improvements, citizenship, and other personal qualifications, and also must prove that he did not remove from land of his own in the State or Territory where the land settled upon is situated, by one or more credible and disinterested witnesses, whose testimony must be reduced to writing, signed, and sworn to before the local land-officers. The pre-emptor must also make affidavit that he has never before had the benefit of any right of pre-emption under the act in question; that he is not the owner of 320 acres of land in the United States; that the settlement was not made for speculation; and that he has made no contract in any way or manner by which the title he may acquire from the government will enure to any other person than himself. Where the land has not been offered at public sale, and is not therefore subject to private entry, the settler is required to make payment at any time before the day of sale; but if it is subject to private entry, he is required to make payment within a year after the date of his settlement. If he purchases with a military warrant for one hundred and sixty acres, he pays a fee of two dollars to the Register and

two to the Receiver. Till the autumn of 1856, land-officers enjoyed the monopoly of drawing up pre-emption proofs. The charge was then five dollars for each proof, and the salaries of the officers generally reached $6,000 per annum, or upward. Since that period the officers have not been allowed to charge that fee for this service. The consequence is, that they do not often perform it; and in the neighborhood of most offices competition has reduced the charge to $2.50.

By virtue of an act passed in 1854, applicable to some of the new States and Territories, persons are authorized to make a settlement and acquire an inchoate right of pre-emption (on lands to which the Indian title has been extinguished) before they are surveyed; and if it happens that two persons claim the same or a part of the same tract, the officers are directed to apportion the land between them equitably, so that each settler, as far as practicable, may enter the tract containing his improvements.

Where an adverse claim is set up to the land by another person, the party wishing to have the right determined, with a view to make payment, first procures a day of hearing to be fixed by the Register and Receiver, and then gives notice in writing to the adverse claimant of the time for the hearing, allowing one day at least for every twenty miles' travel to the land-office. The United States laws furnish no compulsory means for procuring the attendance of witnesses in such cases; and the party must rely upon such means as he can personally command. The parties find it necessary to employ attorneys to manage their case and take the testimony. The evidence is committed to writing in the form of question and answer, and it is therefore seldom required of officers to give the case much attention till it is concluded. If a question is propounded which the adverse party considers improper, he merely writes down his objection, and the admissibility or inadmissibility of the answer is determined upon at the time the officers make their decision. When the case is decided, if either party is dissatisfied, he can appeal to the Interior Department by filing a written request for the opinion of the Commissioner upon the case. There is also an appeal from the Commissioner to the Secretary. The likelihood of an

appeal is one of the principal reasons for having the evidence reduced to writing, as it can then be forwarded to the appellate officers. The losing party has the privilege of making a settlement on some other tract, and of filing another declaratory statement; but the changing of a declaratory statement is rarely allowed in any other instance.

The government has held that negroes, not being citizens of the United States, are not entitled to the benefit of the preemption act.

We come now to consider briefly the policy of donating lands to actual settlers, commonly called the *Homestead* measure.

On the 4th of August, 1842, a homestead act was passed for Florida, under the peculiar title of "An Act to provide for the *armed occupation* and settlement of Florida." The title must have been intended to be understood in a Pickwickian sense, as the only bearing the act had on military matters was the provision that *single* men, upward of eighteen years of age, *capable* of bearing arms, should have the benefit of the act, as well as heads of families. It donated 160 acres, and required the settler to reside upon the tract for four consecutive years at least; to erect a dwelling, and clear, enclose, and cultivate at least five acres. Only 200,000 acres were allowed to be taken under the act.

On the 27th of September, 1850, a homestead law was passed for settlers in Oregon, granting 320 acres to every unmarried white settler above the age of eighteen years (American half-breed Indians included) who was a citizen of the United States, or had declared his intention to become such, and who had already made, or should make settlement, previously to the 1st of December, 1850. If the settler was married, he was to have 640 acres, one half to his wife, to be held by her in her own right. The settler was required to reside upon the tract, and cultivate the same four consecutive years previously to obtaining title.

Another homestead act was passed July 22, 1854, for the benefit of settlers in New Mexico, donating 160 acres to each settler who was residing in that Territory prior to the 1st of January, 1853, and who was still residing there at the time of

the passage of the act. It also donated the same number of acres to settlers who should make settlement between the 1st of January, 1853, and the 1st of January, 1858, requiring occupancy and cultivation for a period of four years.

A general homestead bill passed both houses of Congress by a large majority in the spring of 1860, but was vetoed by the President. This bill granted 160 acres to each settler, and required the payment of a small sum of money — ten dollars, we believe — to avoid constitutional objections which might be entertained against an absolute donation. It also permitted those who had already made settlement to purchase at half the minimum price. We may here remark, that, owing to the comparative abundance of money, there was but little demand made for a homestead act previous to 1857; but since the severe revulsion of that year, the desire for such a measure has been constantly increasing.

Various objections have been urged against the donation of public lands to settlers. By some it is asserted that such a measure does not come within the principle on which grants are made in aid of railroads; namely, an equivalent benefit to the government by the enhanced value of the remaining lands. But to this it may be replied, that, until the frontier is settled, the government is subjected to millions of dollars' expense annually, to sustain military posts on the frontier, and that the settlement of the wild lands will be a pecuniary benefit to the country in hastening the period when those posts may be dispensed with. Even at the pace with which settlements have advanced for the past few years, three important and expensive military posts in the valley of the Upper Mississippi — Forts Atkinson, Crawford, and Snelling — have thereby been discontinued.

Again, it is urged that, the public lands being the property of the United States, each State is entitled to a share of their value, and they should, therefore, be disposed of as a source of revenue. But we have shown that as a means of revenue they yield the least when most needed, and are scarcely material for revenue. In respect of their value to the share to which each of the States is entitled, how, we ask, can the people of each State derive a greater benefit from them than in

enjoying the free privilege of occupying them? Is it not a benefit to the older and populous States to part with their surplus population? Who, indeed, is there to take advantage of a homestead act, but the people of those States? They are the very persons who are the most anxious for such a measure, and they chiefly will enjoy the benefit of it.

Another objection, and one that has been raised by men in high authority, is, that the measure would be an injustice to those who have made settlement on the frontier, inasmuch as they who enjoy its benefits will obtain land which has become more valuable from contiguity with the neighborhood and improvements of older settlers. In other words, because one settler has endured the privations of the wilderness, and paid for his lands, another settler should not get his any the more easily! But will not the present settler be glad of a neighbor? Will it not benefit him more, indeed, to have that neighbor expend his $200 — the price of the land — in improvements, than to deposit it in the United States treasury? It is altogether absurd to say that the homestead is an injustice to present settlers. It amounts to this: Because, forsooth, the Catholics of one age were persecuted, it would be unequal and unjust to extend toleration to their descendants!

A small class of opponents to this measure are found on the frontier, and their objection, distrustfully entertained and hesitatingly advanced, is, that a homestead act would attract to the new territories numerous paupers, whose inability and want of enterprise would encumber the growth of the country. To this we have to say, that a homestead act would unquestionably benefit thousands of poor families in the older States, which would be one of its beneficent features; but there need be no apprehension that a family which has the energy and can control the means to emigrate a thousand or two thousand miles to the Western frontier, will be an encumbrance to that frontier.

We would submit, however, that a question like this ought not to be decided on the arguments which can now be adduced in support of it or against it. It is a question of practical statesmanship, and the measure must be fairly tried before its wisdom can be fully determined. The experiment of donating

land to settlers in Florida, New Mexico, and Oregon is obviously not a proper test as to the benefit of a general act. Owing to the profuse supply of money while those acts were in force, the donation was relatively but half what it would now be; and besides, a great rush of settlers to Florida could not be expected, considering that the *ostensible* purpose of the act was "armed occupation" as against the Seminoles; nor to Oregon and New Mexico, when we reflect on the difficulties and perils of emigrating beyond the Rocky Mountains.

In conclusion, we beg leave to repeat that, in our judgment, it will be wise to give the homestead principle a fair trial. And the sooner it is tried, the better. Every one knows that the commerce of our seaboard cities diffuses its influence to the remotest limits of the country. Just as wide-spread is the benefit of agriculture; and while its genial labors conduce to those virtues which are the ornament and security of society, its multiplied products increase the common plenty and invigorate the strength of the nation. The three great powers of Europe — England, France, and Russia — are expending millions upon millions of money in the development of the industrial resources of their vast territorial possessions. The extremes of climate cease to be an obstacle in the pathway of their enterprise. In the construction of canals for irrigation and railroads for transportation, they are converting vast areas into productive plantations. And they will seek to turn the emigration of Europe to those new fields of labor. In these conquests of peace, compared with which the triumphs of war are empty and barren, they will restore opulence to the Old World, and rear a dominion exceeding all the wonders of the ancient East in majesty and grandeur. Shall our country lag behind in the great work of physical development? Shall we go on expending millions of dollars annually in sustaining military posts on the frontier, — posts which are inadequate to protect over-land travellers against the depredations of wandering and hostile tribes of Indians, — and leave our wide, imperial domain unoccupied and unsettled? Rather let us adopt the more truly economical policy of encouraging their early settlement.

ART. II. — *Reliquiæ Turellæ, et Lachrymæ Paternæ. Two Sermons Preach'd at Medford, April* 6, 1735. By BENJAMIN COLMAN, D. D. *The Lord's Day after the Funeral of his beloved Daughter, Mrs. Jane Turell. To which are added some large Memoirs of her Life and Death.* By her Consort, the Reverend MR. EBENEZER TURELL, M. A., Pastor of the Church in Medford. Boston: Printed by S. Kneeland and T. Green, for J. Edwards and H. Foster, in Cornhill. 1735.

IT is with a timid reluctance that the historian attempts to sketch any character which seems misplaced in his chronological series. There are so many to attribute to him an excessive credulity, or at least a palpable want of perception, that he may well be pardoned if he prefer to deal with broad generalities, and to describe his heroes and heroines as mere variations of a type which has been duly investigated and located by the concurrent voice of his predecessors. Yet, should the traveller discover, amid the sightly second-growth of our forest, a half-erased mound, a spring gushing from a rocky source, bearing a faint evidence of human skill once bestowed on it, or if, more fortunate still, he discern, in some retired nook, a flower of foreign parentage still maintaining a struggle with the unkindly elements, and, though shorn of its primal beauty, still evidencing a former fostering care, to him there is an attraction in the sight, which outweighs for the moment that of the loveliest landscape which Nature can unfold before him. The spirit of romance asserts its sway, even if but for a moment, and his mind runs riot in the labyrinth of the past.

With a similar feeling, the student will find himself watching the faint impression which has reached him of some person whose life is as distinct from that of the average of his or her associates as though the magic sleep of a century had been realized. Such instances are not rare in our annals, though perhaps locality rather than time has been the bewildering agent. Our Indian wars are still re-enacted in the far West, and with the ever-widening stream of progress the chain of coincidences has been perpetuated. We can trace

the sorrowful story of captivity and death, from our firesides at Cambridge, Haverhill, and Brookfield, to Wyoming and Detroit, and now to the confines of civilization on the Western prairies. The pulpit has furnished its devoted apostles, in a series reaching from the discovery of America to the present day; while our soldiery has its traditionary glories, from Miles Standish to George Washington.

Notwithstanding that these records show the inherent vitality of the race, and the ineffaceable character of its predominant traits, occasionally, in the more mobile features, curious changes have occurred. The Boston of 1660 is not more changed in the Boston of to-day as to its exterior aspect than as to the character of its citizens. This change we dignify by the term of progress; and our ancestors we allow to have been very proper personages, considering their limited advantages. Here and there, however, there comes a ripple in the stream, which shows the presence of a disturbing agent. Puritanism, after all, was not so inflexible a type; and civilization may have found, here and there, a mind able to appreciate it. Giles Cory, pressed to death, is a step in advance of his judges; Anne Hutchinson is not unworthy of praise from her protesting sister of the present day. These cases, however, inspire more curiosity than admiration; but we are about to cite an anomaly which interests and rewards us.

To find in that hot-bed of Puritanism, the family of a Boston minister of great reputation during the first portion of the eighteenth century, a romance of impetuous love and self-sacrifice, is sufficiently startling. To find that the daughter of such a pastor was gifted with the divine art of poetry in no scanty measure, and, still more, that she exercised her powers on mundane subjects with the approbation of her father, goes far to disturb our ordinary view of that period. We can cite but one more marvel, which is, that her excellences have been transmitted to us in print, and by one who seems to have appreciated beauties for which he felt constrained to apologize.

"Mrs. Jane Turell was born at Boston, Feb. 25th, 1708, of Parents Honourable and Religious." Her father, Rev. Dr. Benjamin Colman, was also a native of Boston, descended from a family resident in Suffolk, England, and was at this

time one of the favorite ministers of the town. Early inclined to the work of the ministry, he had finished his collegiate course with credit, had preached a few months at Medford, and had embarked for England in 1695, to improve himself by study there. Misfortunes attended him, however; for he was captured by pirates and carried prisoner to France, and he finally arrived at London, without money, and without the letters of credence with which his friends had provided him. This experience might well seem severe to a young man whose health had been so delicate that, when he was graduated, the audience concluded he was designed for only a few weeks of life; but he had given evidence of a serene courage, and, on occasion, of a "muscular Christianity," which indicated considerable vitality. We may conclude that his hardships proved blessings to him; for his frame received a strength which it required more than "threescore years and ten" to exhaust, and his mind acquired a firmness and healthy tone as foreign to a pupil of the Mathers as was the Christian charity he displayed.

His sojourn in England lasted some four years, during which he made the acquaintance of many prominent divines, and especially was favored with the friendship of Mrs. Elizabeth Singer of Bath, whose talents and character were the admiration of all Dissenters. Soon after his recall to Boston, under the very gratifying circumstances of an invitation from Thomas Brattle and others to assume the pastorate of a new church, he married Jane, daughter of Thomas Clark, a prominent merchant of the town, who resided where the Albion House now stands, on Tremont Street. He was thus connected with one of those family cliques for which Boston has always been noted; his brother-in-law being Hon. John Jeffries, whose relations, the Ushers, Jaffreys, Wentworths, and others, constituted a little circle of high consideration. These minutiæ may seem trivial, but we can assure our readers that they form no insignificant test of the estimation in which our young divine was held, and to him the point of social position was a most important element in the comfort of his daily life.

The issue of this marriage was two daughters, Jane and Abigail, whose lives we propose to trace.

The birth of the elder of these, Jane, must have been the source of peculiar gratification to a man like Dr. Colman, in whom parental affection was especially strong, and who had seen two children born but to die. We can believe that in his eyes no defect would be visible, and every excellence would be inimitable; but we may safely accept his record of her early years as truth, because no other introduction would harmonize with her after-life. "Wonderful weak and tender" was the minister's blossom, and yet fearfully precocious. "Before her second year was completed, she could relate many stories out of the Scriptures, to the satisfaction of the most judicious," among whom we may reckon "Governour Dudley, and other Wise and Polite Gentlemen," who witnessed her performances, no doubt, with a solemn wonder, and sedate thanksgiving that they had such proofs of this inherited piety. Before she was four years old, "she could say the greater Part of the Assembly's Catechism, and propound many astonishing Questions about divine Mysteries"; and, with all proper respect for sacred things, we may add, she lived through all this. Thus far, though her life had been worthy of notice, the interest excited was of a kind to be expected from her position; and had she trodden the path marked by so many little footprints, before and since, of innocents prematurely hurried from a world which they might have been spared to bless, her biography might have rested undisturbed for another hundred years. Her narrow escape from this fate impels us to pause for a moment, to consider the system under which she was so nearly sacrificed, and to inquire if it ever effects results worthy of the price it demands.

When we read the life of one of these unfortunates, skilled before they can walk in polemical niceties, disquieted by imaginations which they will never live to embody, and wrestling at times with unknit frames with terrors which bow down the sturdiest pride of manhood, we can hardly restrain our abhorrence of the iniquitous trial to which they have been exposed.

We may imagine that some inkling of the probable result of this infantile maturity reached the heart of the parent, if not of the pastor, and a more wholesome system of education was adopted. A letter of her father's, written to her when she

was ten years old, inculcates not only piety, but a regard to bodily health and social requirements.

At an early age commenced the display of her talents for versification, in which she was encouraged by her father, who had, even more than his colleagues, a weakness for inculcating piety in metre, as his works still testify. "Before she had seen eighteen," her husband relates, "she had read, and in some measure digested, all the English *Poetry*, and polite Pieces in *Prose*, printed and Manuscripts in her Father's well-furnished Library; and much she borrowed of her Friends and Acquaintances. She had indeed such a Thirst after Knowledge, that the Leisure of the Day did not suffice, but she spent whole Nights in reading."

We have said that her father was a friend of the "lovely Philomela," Mrs. Singer, and the daughter paid a poetic tribute to her merits in one of her earliest essays. Sir Richard Blackmore, "not the First of Poets, but one of the best of them," as Dr. Colman held, better known to us as the writer of an epic on Alfred, which critics are content to cite as of a "ponderous dulness" too vast to be assailed, was the subject of a panegyric, prompted no doubt by a desire to please her father, since Waller's verses excited her especial admiration, and to admire was to appreciate the distance between the versifier and the poet. We have, however, always felt a tender regard for her lines on Blackmore, since we obtained from the promiscuous collections of a bookseller the identical copy of his Paraphrase of Job which had been in her possession and was enriched with her autograph, — sole relic, perhaps, of that "mass of her books and manuscripts" tenderly preserved by her husband, only to encounter a rude dispersion by careless hands a quarter of a century ago. A few verses, mostly paraphrases of Scripture, written at this time, have been preserved; but some "Pieces of Wit and Humour, which if published would give a brighter Idea of her to some sort of Readers," her husband chose "to omit, though innocent enough," and we are left to imagine, from the few that remain, how graceful and tender her expressions on subjects so grateful to her disposition must have been.

Among the visitors to her father's house was Ebenezer

Turell, a young minister who had been settled at Medford in 1724, had studied for the ministry with Dr. Colman, and had succeeded him in the charge he had held in former years. "By the motions of God's Providence and spirit," as our young divine says, he was "first inclined to seek her Acquaintance about the Time she entered her nineteenth year." He found her accomplished and talented beyond his expectations; but his "high opinion of her good Taste" led him not to believe that his merits would find favor in her sight, yet, as he naively writes, made him "ready to excuse himself when she put him upon translating a Psalm or two." How long our modest divine would have remained entranced with the perfections of his goddess we can only guess; for devout poetess though she was, such an ethereal gallantry was too impalpable to suit a girl of eighteen, ready to bless a mortal with a good, hearty, and natural affection. We fear that the Rev. Dr. Colman was not entirely without a respect for his family's position when he allowed his portrait to be published in England with a coat of arms, that badge of gentility, engraved below it; nor his daughter destitute of the same feeling when she wrote in her diary that she thanked God, amongst other blessings, for "pious and honourable Parents, whereby I am favoured beyond many others." To condescend is the privilege of rank.

Our pretty precisian had already decided upon the character of the man whom, and whom alone, she would espouse. He must be "descended of pious and creditable Parents, be a strict moralist, sober, temperate, just and honest, diligent in his business, fixed in his religion, a constant attender on the public worship, and, above all, of a sweet and agreeable temper." Mr. Turell, it seems, combined the requisite qualities, but his admiration of the intellect had apparently made him unaware of the existence of the heart; and psalms after all are not so appropriate in some cases as sonnets. Perhaps, too, he was one of those mortals predestined to belong to the Swiveller school, in that they have little girls growing up for them to wed, and he had not discovered that his blossom had commenced to unfold. At all events, Jane Colman had decided upon the question of his destiny, and was disposed to

relieve him of any doubts about it so far as she was concerned. Tradition has preserved the following letter as being the means adopted: —

"Sir, — You are to me the most agreeable person in the world; and I should think myself happy if Providence should order it as I desire; but, Sir, I must conceal my name, fearing you should expose me; and if you do not incline to find me out, I must submit to my hard fate; but if you comply with my desire, I am your obliged friend."

Notwithstanding that doubts have been raised against the authenticity of this document, perhaps the care of Rev. Elias Nason, an esteemed clergyman, late of Medford, has discovered the solution of the mystery, by furnishing us with the following letter, which we copy, modernizing it for convenience: —

"Medford, March 21, 1726.

Dear Madam: — This is to kiss your hand and to tell you you may, if you please, be the absolute mistress of the city of Medford; for our Reverend [Mr.] Turell so admires your person and virtues and excellent accomplishments, that had he crowns and sceptres he would throw them all at your feet to obtain your favor. And indeed, Madam, if you were to be an empress you could not enjoy more happiness than [in] the sweet conversation of so excellent a pious and wise man. Madam, had I a daughter that he so much admires as your ladyship, and I could give her ten thousand pounds, he might command both her and that. Dear madam, there is nothing, in my present view, can make you more happy at this side Heaven. The Lord direct you; which is the prayer of your most affectionate aunt, and humble servant,

Elizabeth Thomas."

On the whole, we prefer to believe that this letter — written, who can doubt? at the instigation of the lover, by one of those beneficent aunts who always untangle such love-knots — was the cause of the anonymous note of the maiden; and we have no doubt in our own mind, that it was duly sent to the aunt with many modest blushes, and "only as a jest," with "how foolish!" and "of course he won't see it!" and, in fine, with all those feminine arts, which, or their substitutes, are far older than Puritanism, perhaps far more natural.

Our minister having found his tongue, the wooing was not long, and on the 11th of August, 1726, the twain were made one. At Medford everything seemed calculated to afford

pleasure to the young wife. The town, originally planted by the agents of Matthew Cradock, and named after one of his estates, had increased rapidly, and, like many of our earlier settled towns, the inhabitants were mostly connected by ties of relationship. Brooks, Hall, Francis, Wade, Whitmore, Wyman, and Tufts are names still remaining on the records, as among the prominent supporters of town dignities and parochial labors. United by numerous intermarriages, and free from harassing causes of dispute in relation to the ordering of public affairs, the inhabitants of Medford were at this time an example of our colonial life seen under the happiest auspices. Nor was it until after the decease of Mrs. Turell that her husband became involved in those unhappy polemic outbreaks which attended the appearance of Whitefield within our limits. Our minister seems to have enjoyed many of the luxuries then considered reputable in one of his position; negro servants, good wines, and rich plate are among the traditional glories of his *régime*, and portions of the latter are still reverently preserved by his collateral descendants. Perhaps, however, these were portions of that "much spoil," which, like Cotton Mather, he rejoiced in after his later marriages; since they are not mentioned, or rather their possession is disclaimed, in the following lines, in which Mrs. Turell sends a filial invitation to her father.

"From the soft shades, and from the balmy sweets
Of Medford's flowery vales and green retreats,
Your absent *Delia* to her father sends,
And prays to see him ere the summer ends.

"Now while the earth 's with beauteous verdure dyed,
And Flora paints the meads in all her pride;
While laden trees Pomona's bounty own,
And Ceres' treasures do the field adorn;
From the thick smokes and noisy town, O come,
And in these plains awhile forget your home.

"Though my small incomes never can afford,
Like wealthy Celsus, to regale a lord;
No ivory tables groan beneath the weight
Of sumptuous dishes, served in massy plate;
The forest ne'er was searched for food for me,
Nor from my hounds the timorous hare does flee;

No leaden thunder strikes the fowl in air,
Nor from my shaft the winged death do fear;
With silken nets I ne'er the lake despoil,
Nor with my bait the larger fish beguile;
No luscious sweetmeats, by my servants placed
In curious order, e'er my table graced;
To please the taste, no rich Burgundian wine,
In crystal glasses on my sideboard shine;
The luscious sweets of fair Canary's isle
Ne'er filled my casks, nor in my flagons smile;
No wine but what does from my apples flow
My frugal house on any can bestow;
Except when Cæsar's birthday does return,
And joyful fires throughout the village burn;
Then, moderate, each one takes his cheerful glass,
And our good wishes to Augustus pass.

"But though rich dainties never spread my board,
Nor my cool vaults Calabrian wines afford,
Yet what is neat and wholesome I can spread,
My good fat bacon, and our homely bread,
With which my healthy family is fed.
Milk from the cow, and butter newly churned,
And new fresh cheese, with curds and cream just turned.
For a dessert, upon my table 's seen
The golden apple and the melon green;
The blushing peach and glossy plum there lie,
And with the mandrake tempt your hand and eye.

"This I can give, and if you 'll here repair,
To slake your thirst a cask of autumn beer,
Reserved on purpose for your drinking here.

"Under the spreading elms our limbs we 'll lay,
While fragrant zephyrs round our temples play.
Retired from courts and crowds, secure we 'll sit,
And freely feed upon our country treat.
No noisy faction here shall dare intrude,
Or once disturb our peaceful solitude.
No stately beds my humble roofs adorn,
Of costly purple, by carved panthers borne.
Nor can I boast Arabia's rich perfumes,
Diffusing odors through our stately rooms.
For me no fair Egyptian plies the loom,
But my fine linen all is made at home.
Though I no down or tapestry can spread,
A clean soft pillow shall support your head,

Filled with the wool from off my tender sheep,
On which with ease and safety you may sleep;
The nightingale shall lull you to your rest,
And all be calm and still as is your breast."

The record of her life as the minister's wife is one of little excitement. Her duty to her husband and her example to his flock were both conscientiously fulfilled. Her letters remaining show that soon after her marriage she became deeply interested in religious matters. To her father she writes in a piteous strain, that her sin confounds her; to her husband she magnifies the faults of her disposition, as though to be lighthearted were a sin; but to the lasting credit of both father and husband, be it said that they were not deluded by this tenderness of conscience, and their counsel sustained and comforted her. Many were the trials of her heart in her family circle; three children were born to her only to expire, and the fourth seems to have been of a delicate constitution, as he died young. Her mother, also, died in 1730, which was a great grief to her, and the subject of many of her writings.

Mrs. Turell died on the 26th of March, 1735, after a brief illness, during which, as her father states, she was sometimes oppressed by doubts of her fitness for death; but her dying words were, "Thou hast delivered, Thou dost deliver, and I trust in Thee that Thou wilt still deliver."

Her death was felt throughout the whole range of her acquaintance, and called forth the volume which has served as our text.* Rev. John Adams eulogized her in lines perhaps faulty, but yet containing many touches of singular pathos: —

"The tender ties of nuptial life she graced,
And all the mother to the child expressed:
The best of daughters in her carriage shown,
She felt the friend, and charmed the weeping town.
Few were her words, but chose, and weighty too;
We could not blame, but grieved they were so few.
A steady wisdom led her cautious life,
Concealed the whisper, and forbade the strife.
Deep contemplation tinged her serious mind,

* In 1741 an edition of this book was issued in London, by John Oswald, and the arrangement of the different parts of the volume was very much altered.

Broke through her eyes, and in her aspect shined;
Nor did her steadfast virtue e'er refuse,
In gayer hours, her graver thoughts to loose;
Nor wit to lend its aid to innocence,
To raise our pleasure, and to point her sense.
Politely read, what various books she knew!
Which on her mind unfading traces drew.
Nor was she vain, nor stained with those neglects
In which too learned females lose their sex."

Abigail, the younger daughter of Dr. Colman, was a sore cross to her family. Possessing as she did the poetic talents and excitable disposition of her father and sister, her vivacity seems to have led her to rebel against the yoke to which Jane submitted. Fond of books from her childhood, she seems to have imbibed delusive ideas from her favorite novels, which caused great uneasiness to her family. Her sister wrote to her soon after her marriage: "O my dear, let me beg of you not to spend any part of your precious Time in reading Romances or idle Poems, which tend only to raise false Ideas and impure Images in the Mind, and leave a vile Tincture upon it." Her father complains that she left his house, "to the Grief of her Friends and the Surprise of the Town." This seems to have been before her marriage, in September, 1737, to Mr. Albert Dennie of Boston, though whether on this account we do not learn.* Mr. Nason has preserved a letter from her to Mrs. Turell, dated 23 March, 1733: —

"Not all my woes can make me wretched while
My Delia does vouchsafe on me to smile.
Though Alps and oceans keep you from my arms,
Deprive me of the bliss to view those charms,—
Yet still my fate permits me this relief,
To write to lovely Delia all my grief.
To you alone I venture to complain;
From others hourly strive to hide my pain.
But Celia's face dissembles what she feels;
Affected looks her inward pain conceal.
She sings, she dresses, and she talks and smiles, —

* Could this estrangement from her father have been caused by any question as to the disposal of the property left her by the terms of her grandfather's will? At all events, in May, 1733, she had her uncle, John Colman of Boston, appointed her guardian, to take charge of her interests.

But these are all spectators to beguile.
But when alone, and from restraint she 's free,
What undissembled sorrows would you see
Could you then view her. In her pensive face,
You might a thousand woes and miseries trace;
Amidst a thousand sighs and flowing tears,
She has recourse to write to you her fears.
My tenderest love unto the beauteous boy; —
Vouchsafe a line, nor all my hopes destroy.
The unfortunate Celia."

She was afterward reconciled to her father, who adopted her only child, John, and who said of her after her death, May 17, 1745, "My Dennie dies in Peace and Transports, that had made the greatest Breaches on me, and had given Scandal and offence to all in Point of filial Duty." Her brother-in-law, Turell, gives the following beautiful sketch of her death-bed: —

"She made an effort to utter some Lines of one of Dr. Watts' Hymns (most if not all of them were long before treasured in her Memory): —

'Take me, Uriel, on thy wings,
And stretch and soar away.'

These last two words seemed to die on her Lips, and after a few easy Gasps she expired."

The reputation of Mrs. Turell must depend mainly upon the indications of her talent, rather than upon its remaining results; yet the names of so few females can be found on the list of our early authors, and so many difficulties stood in their way, that they deserve a kindly mention and a lenient judgment. Mrs. Turell's example may have produced many imitators, since one of the Medford parishioners, a granddaughter of Deacon John Whitmore, is reported, by tradition, to have written beautiful hymns. How many others of the "mothers in Israel" ventured to exert their talents we shall never know, but every instance which transpires in the course of our historical investigations serves to bind the past to the present with a gentler chain.

It seems to us that the characters of these sisters, however imperfect may have been our portrayal, must suggest to our readers a doubt of the correctness of the usual idea of New

England character early in the eighteenth century. The plan of the leaders in the settlement of this Colony was most admirable; but even as it had required the winnowing of three kingdoms to obtain the seed for this enterprise, so sure was it, that to preserve the true grain in another generation another separation would be required, and the chosen would be but a feeble minority. In this state of affairs the only reasonable course was fortunately pursued; no withdrawal to the remote Western wilderness of those wedded to the good old cause occurred; but the zealous church-members remained, preserving their integrity of principle in the midst of a community eager for imported follies, silently but powerfully influencing its course. New England followed in the steps of the mother country, though in a more decorous manner. As the riotous excesses of the Restoration were a necessary consequence of the severity of the Protectorate, so here, with the fall of the old Charter and the death of the pioneers came a sense of relief, which impelled the younger colonists to celebrate their release. John Dunton, in 1686, found no difficulty in disposing of his play-books and gallant romances, and his view of Boston society amazes those who read only Mather's Magnalia or Prince's more trustworthy Annals. That we did not then lose all our worth of character, and degrade our society to the tone of our English superiors, may be mainly attributed to the influence of the small number of those who, remaining faithful to the traditions of the fathers, formed a link in that ecclesiastical chain which connects John Cotton with Lyman Beecher. At this very time may be found members of our Trinitarian churches who would repeat the boldest actions of Cromwell's Puritans; and this zeal — self-denying, unsparing, unquestioning, and ever aggressive — has been the predominant trait of New England character, its sole peculiarity, and the cause of its present position. A century after its culminating point, and when its descent to utter obscurity seemed inevitable, a single breath sufficed to revive its fire, and to this hour its history presents a persistent repetition of these phenomena. The iron becomes heated, its brilliant sparks fly upward before the admiring gaze of the civilized world, and then comes a veil of dark and cold ashes, betoken-

ing apparently the extinction of the saving heat; scepticism scoffs at the impotent conclusion, and infidelity would mould the cold metal to some barbarous form; but at length some propitious breath removes the covering, the glorious bloom reappears, and, bright and terrible as the brand of the Archangel, the sword of Faith shines forth in triumph. May such a character long remain the boast of New England.

One personage remains to be considered, — Rev. Ebenezer Turell. He did not long remain disconsolate, as he married, on the 23d of October, 1735, Lucy, daughter of Addington Davenport, who died May 17, 1759; and on the 21st of August, 1760, he married, thirdly, Jane, daughter of William Pepperrell of Kittery, who was then the widow of William Tyler. By this last marriage he became brother-in-law of his former father-in-law, Dr. Colman, who had married, Mary, another daughter of Pepperrell, and who survived him, to take a third husband. As Dr. Colman married three times, and his second wife was four times married and his third wife three times, while Turell's third wife was also three times wedded, we can conceive that the survivor must have had a numerous circle of connections, whose ramifications are a puzzle even to the professed genealogist. The only Mather connection, despite the Autocrat's rhymes, consists in the fact that Cotton Mather married a sister of John Clark, whose widow was the second wife of Dr. Colman.

Many are the curious relics that have been preserved, and among them especially should be noticed the family portraits. Thus, Mrs. Davenport, wife of Addington, leaves her daughter Turell her father's picture and "my picture"; to a grandson, two pictures of Mr. Secretary Addington; to a granddaughter, Jane Faneuil, "her father's picture"; to her niece, Mrs. Russell, "the picture of her Grandmother"; and to her niece, Elizabeth Wainwright, "the picture of her father." Some of these paintings are in the possession of Mrs. Richard Childs and Mrs. S. A. Armstrong, of Boston; and in such careful custody we can safely leave these interesting mementos of the olden time.

ART. III. — *Venerabilis* BEDÆ *Opera quæ supersunt omnia, nunc primum in Anglia, ope Codicum Manuscriptorum, Editionumque Optimarum, edidit* J. A. GILES, LL. D., Ecclesiæ Anglicanæ Presbyter, et Coll. Corp. Chr. Oxon. olim Socius. Tom. I. – XII. Londini: Veneunt apud Whittaker et Socios. 1843.

A COPY of the work of which we have above given the title, in a binding whose shape and color well become the antiquity of its contents and worth, has stood for a long time in a convenient nearness to our hand. We have been unable to resist the temptation thus offered to pass not a few of our leisure moments in intimate and grateful fellowship with this ancient servant of the Church. The hours so spent have been seasons of spiritual refreshment and strengthening, no less than of literary enjoyment. To a large number of our readers we may presume that this author is known only by name, and by some most vague impression of an obsolete celebrity. We think, therefore, that we may be rendering a service to our readers, as we present to them a brief sketch of the contents of these twelve volumes.

The very epithet which adorns the name of the Venerable Bede, and which well shows the reverent regard in which the men of later generations have held his worth, is of itself enough to excite a singular interest in him and in all the memorials of him. Unlike the somewhat kindred titles of the Angelic and the Seraphic Doctor, titles bestowed for the subtile or lofty achievements of the intellect, this of Bede points to a moral greatness, and assigns to him a high place among those whose spiritual excellence has furnished the best models of our humanity. Was it his habitual converse with the realities of another world that won for him an immortality in this? To one who reads with earnest thought the history of this world's affairs, it must soon become apparent that, in the selection of its heroes, the qualities which we term moral have by no means an inferior sway. Some measure or semblance of it is found always, and as a ruling element too, in the character of those whom the world has thought worthy of

its remembrance. Devout and lowly Hannah is inscribed with prophets and kings on that roll of worthies divinely commended to our perpetual recollection. Nor is it otherwise in what we call profane history, or in our ordinary experience of what men spontaneously choose to remember. The faithful slave who placed on the funeral pile, on that wild coast of Egypt, the mangled limbs of his betrayed and murdered master, is handed down to perpetual memory by the same pen that dwelt fondly on the world-wide schemes and magnificent achievements of the great Pompey. In our daily observation of the processes of human life, we never fail to see that, when a brilliant intellect becomes dim, or has passed away, men readily turn to the brightest that remains, and bestow on it in like manner their transient idolatry; that they soon tire of praising genius, and that only what is enshrined in their hearts goes with them in cherished and affectionate remembrance to the tomb. An act of superb daring, or an effort of fascinating eloquence, is forgotten with the occasion of the one, and when the voice of the other fades from the ear; but generous affections, patient sufferings, acts of neighborly kindness, and instances of filial devotion are treasured in perpetuity. It is no unfit illustration of our meaning, and it is no less creditable to our common nature than to the character of him whom so many sincerely mourn, that in the numerous notices which have been printed of the late Washington Irving, while all give due praise to his peculiar literary excellences, all speak with no less earnest fondness, and with a certain grateful affection, of the gentle and winning features of his character and life; and we may well believe that the lasting hold his writings have on the minds of our people is due hardly more to his superiority as an author than to their just opinion of his virtues as a man. Here is at least one secret of an influence over his fellows, which many men of greater mental force have sought in vain.

Among the things that excite our interest in the Venerable Bede is the fact that we know so little of his personal history. Of the men of his day in England, the name of none is so often spoken in modern times. The sentiments of no other of the series of learned and devoted men who did the work of

God in that realm and in that age, come to us so impressive and weighty as his. Of those who labored by his side in the cause of the Church, who stood in her high places, who perhaps looked down upon, perhaps had never even heard of, the monk of Jarrow, how few have any memorial of them, now within the reach of men, save in his pages! Of the bold barons, the wily politicians, and the great men, who administered the affairs of state, and who might more justly than he, as worldly men calculate such chances, have hoped for some permanent place in the world's memory, most of us have less knowledge than we have even of him. Of all the movements of that day, its far-reaching plans, its stirring adventures, its changes of dynasties, its invasions and repulses, its monuments designed to last always, scarcely a trace has come down to us. Amid its darkness, the solitary form that rises most conspicuous, the more conspicuous because almost solitary, is that of this secluded monk. Even of the events in which he acted, and his influence on his fellow-men, of those events and influences too that made him what he was, — of all this we know almost nothing. Yet in the fact that, while his name is familiar to many, those who know the most of him know little more than his name, — that while his writings have preserved his memory for so long a time, and we may say for all time, we have almost no information of his relations, slight or lasting, with his fellows, — there is that which invests his image with a peculiar and touching interest. What has made that lonely figure so luminous as to be visible to us across the wide tract of many centuries? On what principle of selection was he chosen to stand forth the representative of his age to all coming time? What has so long caused learned men and unlearned men alike to speak of him with reverent affection, as of no other of his contemporaries? His testimony is our main authority for the early Church history of England. This may account, in part, for what we wonder at. He was a voluminous commentator on the Scriptures, and in that style of interpretation which was long the favorite method in the Church, and which has even now many admirers. This may account for a wide-spread respect for him among theologians. Yet there must be something else. We know

not what, indeed, unless it were a high degree of moral and religious excellence, forming a character which those who knew him were constrained to revere and love, and so bright and peculiar that men more remote, and men of after days, could not lose it out of sight; and which has so transfused itself into his writings, that they bear to the heart of every reader the sense and influence of his personal presence and unearthly spirit.

That the humble monk of Wearmouth and Jarrow, almost all whose days were passed within the walls of the monastery, and whose main singularity in the eyes of his fellow-monks was, very likely, his fondness for the use of the pen and the drudgery of composition, who mingled not at all in public affairs, or so scantily as to leave no trace of such agency, — that such a one should have gained an earthly immortality beyond any of his compeers and contemporaries is a strange fact, and may well move our wonder. The precise period of his life has not been certainly determined. It is supposed that he was born A. D. 673, while Northumberland was yet an independent kingdom, and when Egfrid, son of Oswy, sat on its throne. The place of his nativity was probably the village of Jarrow, on the bank of the Tyne, near which also all his years were spent, and where he died. Just after his birth, a monastery was built and dedicated to St. Peter, at Wearmouth, on the north bank of the river Wear, by the pious zeal of Benedict Biscop, once a brave and adventurous warrior, now an earnest churchman, and for many years the Abbot of St. Peter's, ruling it with devout care, and sharing in the fullest measure in the austerities which he enjoined. Not satisfied with this, the same active abbot, a few years later, founded also the monastery of St. Paul at Jarrow, a few miles only from Wearmouth. These institutions he endowed with the most precious of all foundations, a costly library and rare works of art; for in frequent visits to Rome, and intimacies with the learned there, he had been taught to prize good books as well as a severe discipline. At St. Peter's, when only seven years old, Bede was entered on a life of religious services and diligent study. When St. Paul's was built, he was transferred thither, and under its roof he passed his life. At the age of

nineteen years he was admitted to deacon's orders, and at thirty was raised to the priesthood. In his early life he was trained by some of the most accomplished teachers of that day; and by the ardor of his own love of learning, aided by the excellent libraries at his hand, he was soon enabled to take a high place among the most distinguished scholars of his time. When the daily service of his office was over, he seems to have devoted all his time to study and literary composition; as he himself states the fact, *semper aut discere, aut docere, aut scribere, dulce habui.* There is no proof that he visited foreign countries, or even made many journeys in his own; he was not, as some churchmen then were, the counsellor of princes, nor was his aid or wisdom sought by those who manage the world's public interests; he seems not to have had a wide range of correspondents, or to have been much disturbed by the visits of friend or stranger; but in that remote seclusion he dwelt perpetually within the precinct of the monastic house to which he was vowed, only passing from his cell to the choir, and back from the choir to his cell, chanting the hours as they occurred, and giving all his other time to book and pen. In his unvarying round — unbroken, so far as the record shows — were composed those works which gained for him the gratitude of the Church and the admiration of the world; and in these quiet labors his allotted period, of some sixty years, passed away.

Many of our readers must be familiar with the touching story of his death, told with such affecting simplicity by his pupil and friend, Cuthbert; — how, under the pressure of growing infirmity and disease, he still continued his favorite studies, and always, in the intervals of pain and weakness, would dictate to his scribe, lest death should overtake him with his task unfinished; how, when he could not dictate, he filled all the time with the chanting of psalms, and earnest prayers, and gracious words to the brethren around him; how in these days of mortal sickness he translated the Gospel of St. John; how, on his last day, — it was the day of our Lord's Ascension, — when one reminded him that still there was one chapter wanting, he answered, "Take your pen, and make ready, and write fast"; and how, as the evening came on, after a brief pause, the boy said again, "Dear master, there is yet one sen-

tence not written," and he replied, "Write quickly"; and soon after the boy said, "It is finished," and he answered, "It is well, you have said the truth, It is finished"; and so, on the pavement of his little cell, singing "Glory be to the Father, and to the Son, and to the Holy Ghost," when he had named the Holy Ghost he breathed his last, and departed to the heavenly kingdom. Surely there must have been in the hearts of his brethren who stood around him in his last hour a deep love for Bede, if one of them, in his account of that event, could say of it in behalf of them all, "By turns we read, and by turns we wept, nay, we wept always while we read."

Within the walls of the same monastic house where he had so long labored and prayed, and which his writings and his virtues had already made famous, his body was laid to rest. On the south porch, which covered his remains, his name was inscribed; and admiring pilgrims came from far-off regions, as to a place of especial sanctity, to pay their devotions there. Soon men began to esteem him a saint, and altars were erected to his memory. Even while he was yet living, his homilies were read in the churches, and pious and learned men sent from the Continent for copies of his works. Erelong miracles were wrought at his tomb, and sinful men openly prayed there for the benefit of his intercession; and at length his name was enrolled on the calendar of those whom the Church then taught her faithful children to hold in devout and reverent remembrance. The 27th of May was assigned to him to be, as every year returns, a perpetual memorial of his services and worth. Under that southern porch at Jarrow his bones reposed in undisturbed quiet for nearly three hundred years, when Alfred, a priest of Durham, urged by a vision, as he said, carried away secretly the hallowed relics to his own church of Durham. Here they lay for five hundred years more, in a richly jewelled shrine of gold and silver, with the bones of St. Cuthbert, in the Galilee of the cathedral, till the destroying angel of the Reformation cast them out from the church as worthless and unclean things.

The superstition that destroyed such things is perhaps no more to be respected than the superstition that paid them an exaggerated reverence. Hardly more akin to a heavenly tem-

per are the rude passions that flung them out from their receptacle to the profane and scoffing gaze of the rabble, than the feelings of respect and awe that had once exposed them for purposes of worship. If the one party thought they were doing God a service, surely the other had no consciousness of an approach to idolatry. A misguided worship is, in the sight of Heaven, no less acceptable, perchance, than the revengeful spirit that tears down and destroys the objects of its hate. Let us trust, however, that as on both sides there was much of human passion and infirmity, so there was on both also much of sincere obedience and pure conscience and genuine love.

But in whatever degree an iconoclastic temper might purge away from human sight all the material relics of such men as Bede, we have other remains of them, which the hearts of the good will never cease to hold in reverent esteem, and which no angry passions of men shall ever destroy. The expression of the thoughts on which he dwelt with such earnest fondness, and which share so largely the living warmth of his devout spirit, speedily won their way to the hearts of his thoughtful contemporaries. Painstaking as he was in his researches, and scrupulously careful in his statement of their results, the facts of history which rested on his declaration were supposed to be sustained by a competent authority. Deeply thoughtful, as well as learned in the opinions of the masters, and animated withal with a most lofty and intense devotion, — a temper which enjoyed the severities of the conventual discipline, and esteemed the praises of God, sung among the brethren, a nobler service than any even in the highest places of worldly influence, — the judgments which he pronounced, whether of theological doctrine, or practical ethics, or antique observances, were accepted as decisions so wise and pure as hardly to allow of question, or possible appeal; while his sacred hymns, rich in the better ornaments of a sincere religion, if not in embellishments of poetry, were readily incorporated in the service-books of the English churches, and, not less effectually than dogma or homily, contributed to fix the faith and arouse the zeal of the humble worshippers of that day. Without a pause from that day to this, now nearly twelve hundred years, have his writings been doing the same good work. The forms of

philosophic thought are very unlike what they were then; different questions are now prominent in the minds of men, and much that was then of deep interest has passed away forever; the form and pressure of the times are utterly changed; yet while this process of change was going on, and now that we are living amid its ultimate issues, it was, and still is true, that the speculative thinker will find many of his perplexities resolved in the works of Bede, and that the humble and sincere believer need never look to them in vain for refreshment and consolation. It was only after many centuries from his death that all his works were gathered with scholarly diligence, and given to the world in a collected form. But his separate treatises had been traversing the world, each on its solitary errand of mercy, through all the intervening generations. Everywhere men's minds were quickened by contact with his sober and weighty thought, and men's hearts stirred and strengthened by familiarity with his profound religious experience and his masterly handling of Scriptural interpretations. From the same overflowing fountain had gushed forth many little streams, each wandering on its own way, as a chance obstacle might divert its course, — some open to the sun and bright, not a few hidden by the very herbage which they caused to cover them, — till men felt the need of their combined power, and so brought them all together in one huge current, which shall never again be shut out from human sight, nor cease to sustain and cheer all who may seek to quench their thirst from its abundance. And though, for reasons that we have just cited, men are disposed to resort to more modern writers, and find perhaps in them a quicker sympathy with their own wants, not a few, even in our day, look sometimes to this old teacher for instruction and guidance, and some derive a peculiar satisfaction from their fellowship with the simplicity of his spirit and the power of his devout and strenuous thought. So long, we are sure, as profound learning is an object of respect, as singleness of heart shall command admiration, as simple, earnest piety shall awaken a responsive feeling in the human heart, shall the writings of Bede retain their place in the estimation of the wise and good. So long as changes in theological opinion

shall be a subject of curious inquiry, — so long as the history of the Church and of devout men in the Church shall arouse a warm interest, and the old-fashioned discussion of problems of ever-recurring importance shall excite attention among men,— there shall be found in every generation those who will have recourse to them for information, and will thus still keep alive the memory of this greatest writer of Anglo-Saxon England.

The edition now before us is a fit monument of his worth. Less voluminous by far than some earlier collections of his works, it is a truer representation of the author, as most of the spurious works have been sifted out, and a critical judgment has here selected what we may well believe to be his genuine remains. We do not very highly value the critical ability of the editor, were his judgment to stand alone; but he seldom stands alone, and we have ample concurrent testimony of the well-informed to the authenticity of the treatises which these volumes contain. We may add, that the sifting process was not unnecessary, or too early applied. It was the fortune of Bede to be so highly esteemed throughout the Middle Age, that scribes seem often to have found it for their interest to copy almost at random the works of other writers, and prefix to the manuscripts that venerated name. So they made sure of a sale for their labor, which the intrinsic merit of the work transcribed would have less certainly gained. Thus the productions of inferior minds were often put off as his upon the credulous and unsuspecting; and when his works were to be printed, great numbers of manuscripts were found, bearing his name, which a thousand marks show to have been counterfeit. The bulk, indeed, of the counterfeit was hardly less than that of the genuine. The change in the quantity of matter from the first editions to this, is nearly as great as that in their outward form, from the huge and clumsy folio to the portable and comely convenience of the octavo. Even in this, too, are some pieces of whose authenticity the reader may well entertain a doubt.

The earliest collected edition of Bede's works was published at Paris, in six folios, 1544 – 5, repeated in 1554. An enlarged edition was printed by John Hervage, at Basle, in 1563, and consists of eight goodly folios, which contain six

thousand and fifty pages. Of the contents of these volumes a very large part, probably not far from two thirds, must be condemned as spurious. Beside this most grave error, the arrangement of the treatises is extremely confused; so much so, indeed, that it has been supposed that the different pieces were sent to the printer almost in the order in which they came accidentally into the hands of the publisher. Yet, with such serious defects, this edition was reprinted, with no important changes, at Cologne, in 1612, and again in 1688.

The edition now under review may certainly claim to be far superior to either of these. It is more compact in form, and reduced to much smaller dimensions. The experience which the editor has acquired in preparing the materials for editions of several of the early ecclesiastical writers of England, has been of much service in his preparation of this. The exclusion of a vast amount of matter which, whatever may be its merits in other respects, is certainly, or very probably, not from the pen of Bede, entitles it to a high preference. The prefaces and comments of the editor are pertinent and valuable. Errors of the press are more frequent than we could wish; and the English versions of the portions most likely to have a popular interest, which are printed with the Latin text, while they in general convey well enough the sense of the original, are not marked by any striking accuracy or idiomatic fidelity. Yet we are thankful to Dr. Giles for having given us the works of Bede in so convenient a form, and are, on the whole, well satisfied with the skill with which his task has been accomplished.

General statements and critical remarks, whatever worth in certain relations they may have, are of very little use in conveying an accurate notion of what, and with what merits, an author like Bede has written. We think we can do our readers a better service by laying before them, with somewhat of detail, the contents of these volumes, taken *seriatim*. The volumes are not few; and they embrace a great variety of topics, in all the branches of science and literature then cultivated by men of scholarly pretensions. We trust, however, that we shall not tax beyond endurance the patience of those at least who feel an interest in such themes, and wish to know how

good and learned men thought, felt, and wrote so many hundreds of years ago. We may secure, perhaps, a more patient perusal, if we remind our readers that, among the scholars of England certainly, and probably of the Continent also, there was hardly one who could fairly claim pre-eminence over Bede, in the large extent and minute accuracy of his learning, or in the attractive qualities of style. Surely no one has come down to our age in writings so copious and unquestioned, who can be so relied on as the representative of the peculiarities in thought and sentiment of the age in which he lived. In no other way so effectually as by his aid can we transport ourselves to that far-off period, and, as in the presence of its actors, become familiar with their peculiar phases of opinion, the principles that controlled their judgments, and the passions that gave shape and color to their lives. We may commend our proposed task to the interest of some, also, by the suggestion, that, while Bede was eminently a scholar of wide attainments, and a literary man of much taste and experience, he was also a monk and a Christian. These last characters he never forgets; and whether he is engaged in a scientific investigation, or devoting his leisure to the Muses, he consecrates his poetic inspiration to the uses of religion, and applies his most abstruse researches to the furtherance of the Church or of his order. As a witness to the state of religious opinion in his day, feeling in himself and therefore truly expressing the sentiments which then animated Churchmen everywhere, and reflecting alike the sober realities and the superstitious fancies that overawed their hearts, we have no one to compare with him. We find in him not only the evidence of the theological dogmas which men then held, when doctrine was less uncorrupt than a few centuries later, but much, very much, from which the best-instructed Christian of our own day may derive profit,—a pure and earnest spirit of religious self-consecration, delighting in daily acts of the highest worship, not unmingled with a temper of sincerest benevolence and love to his fellowmen, and this infusing itself into all the productions of his pen, so that even now the devout soul can find sustenance in them all, and, whether it dwells on letter, or hymn, or history, or treatise, can be elevated and refined and made better thereby.

The first volume of the edition before us is made up of Bede's poetical works and letters. His letters are unfortunately few in number. Beside those which are properly dedicatory epistles, sent to friends with the tracts to which they were prefixed, there are hardly half a dozen. We cannot but deeply regret that the number is so small. What would we not give for a complete collection of the letters of Bede and his friends! We might thus not only be more truly and minutely informed of the secret springs of great movements in the political world, but, what we should value more highly, we might gain admittance, now forever denied to us, to the private life of the scholar, the fireside of the thane and the simple gentleman, the interior economy of the monastery, the speculations of the theologian, and frame to ourselves a picture, fresh, minute, and genuine, of what in the eighth century men were, how they felt, and in what hopes and fears they lived. We can hardly doubt that one so widely and so well known as Bede must have had many correspondents, and those among the best and wisest of his contemporaries, whose unstudied expressions of tenderness and affection, or grave comments on passing occurrences, or high aspirings into the regions of divine truth, would have the very deepest interest for us. Aldhelm, with his rare poetical taste, Wilfrid of York, the man of strenuous action, the learned John of Beverly, the missionary Wilbrord, the devout Cuthbert, and many whom we cannot now mention, were men whose interchange of thought with him, had their letters reached our time, would be of little less service to us than, when first written, they were to him. Not the least cause of our regret, however, at the loss of so many of Bede's epistles, arises from the lack of authentic materials for the portraiture of Bede himself. Of the events of his life, such as would naturally be referred to in a familiar correspondence, we know little, and that little rather doubtfully and obscurely. Of his peculiar tastes, habits, whims, — of all that makes up the distinctive individuality of a man, which an ingenuous spirit so freely communicates to a trusted friend, and which his letters only could have kept fresh for us, — we have almost no materials for forming a judgment. We must now, perforce, pick up here and there a hint from his writings on

other subjects, or from the scanty notices of his friends, and, combining the fragments as we best may, construct for ourselves a most imperfect and dim image of what he was and what he did.

There is one of his letters, which is of no slight value, both as a witness to the habits and temper of his times, and for the light it sheds on the character of the man himself. It was written only a year or two before his death, and is addressed to his well-beloved friend, Egbert, then Archbishop of York. Egbert had invited Bede to visit him at his monastery, as he had done the year before; but being detained at home by illness, he sent him this letter of most wise counsel, in place of such advice as he might have given in conversation. It is filled mainly with suggestions touching the duties of the episcopal office. Bede admonishes and exhorts his friend to faithfulness and a good conscience in that high function. He warns him, by the examples that were everywhere around him of prelates who neglected to feed their flocks, or placed unworthy men in power for the sake of gain, and by reminding him of the severity of the judgment that the careless minister of Christ must suffer; and animates him by the most tender motives, drawn from the hopes of future blessedness. The whole letter is filled with a profoundly religious spirit, shows a singularly delicate sense of truth and duty, and combines practical views of human life with the most fervent purposes of devotion. There is no cant, or affectation, or sentimentality about it; but throughout its many pages an overshadowing sense of duty, — simple, earnest, sincere, stern duty. He would have the bishop regard his office, not as an elevation, nor as a place for ease and rest, but as calling him to severer labors, a more austere self-denial, and a more thorough self-consecration, and consider himself as set to watch for all, pray for all, and work for all, and to see to it that no human soul under his care shall suffer detriment, or lack anything that is needful for its salvation. It is wisely adapted to the times in which it was written. Some of its admonitions are, we trust, less needed now. Yet we know no tract of the like compass in which the duties of the higher clergy are more impressively set forth, and hardly one which the private

Christian may read with better assurance that his heart shall be moved thereby to a more hearty devotion.

This letter is not without interest, also, as illustrating the sentiments and manners of those times. Early as that period was in the history of the Church in England, we find that corrupt practices abounded, and that the vice or feebleness of men needed constant watchfulness and stern discipline. Bede complains that, of the high officers of the Church, not a few were more fond of their own ease than of the care of the people; that while no hamlet was remote enough to escape the exaction of the prelate's dues, there were many in which, for years together, no "duties of holy ministry or divine grace" were performed, nor any teacher sent to instruct them in the faith. While many bishops are said to have gathered around them a careless and even dissolute body of clergy, he exhorts Egbert to ordain men of pure lives, who should instruct and guide the people everywhere, and teach them at least to chant the Lord's Prayer and the Creed, which Bede had set forth in the Anglo-Saxon tongue, for the use of unlearned priests, as well as laymen. He urges also the erection of new episcopal sees, not fewer, if possible, than twelve, in the diocese of York, the establishment of monasteries in all fit places, and the filling them with monks or secular clergy, to be under a strict supervision, the neglect of which he greatly mourns. Many of these communities already in existence seem to have degenerated very far, and to have become liable to imputations of avarice and a grasping spirit, and he would reform them thoroughly on the principle of a community of goods. Of the duties of the private Christian, while he carefully enforces all acts of spiritual worship and of beneficence, he urgently commends the practice of a daily communion at the Lord's table, — which he declares to be the general usage of the Church abroad, while in England men were used to communicate only at Easter, Epiphany, and Christmas, — and of using with diligent frequency the sign of the cross, by which he teaches that men may defend themselves against the snares of unclean spirits. He likewise clearly intimates it as an opinion current in his day, that the souls of the dead may be benefited — indeed, he says "redeemed," *redimi* is his word —

by "the mystery of the holy oblation" offered by the living. The other letters are comparatively unimportant to us, though doubtless of great interest to those to whom they were written. They discuss questions that have now for the most part passed away; such, for instance, as the proper time of celebrating Easter. Hardly any point was treated of more frequently at that time, in England, than this, and hardly any other excited so much angry feeling.

About half of the first volume is occupied with Bede's poetical works. The longest of them is a metrical version, in some twelve hundred hexameters, of the life and miracles of St. Cuthbert, Bishop of Lindisfarne. There is also a brief *Martyrologium Poeticum*, and a poem entitled *Passio Sancti Justini Martyris*. This last is, however, of very doubtful authenticity. Though in some respects a pleasant composition, it has little likeness to the genuine writings of Bede. It is written in trochaic tetrameters catalectic, and the rhythm is determined by accent, not by quantity, a barbarism of which one so familiar with the Latin poets and skilled in Latin metres as Bede can hardly be suspected. Beside a graceful little pastoral dialogue, on the conflict of Spring and Winter, all his other poems are entitled Hymns. They are properly enough so called, except the first, which is a long piece *De Ratione Temporum*, a kind of ecclesiastical *Fasti*, written partly in trochaics and partly in hexameters; and the last in hexameters, composed in rather a florid style, on the Day of Judgment. The Hymns are all, of course, on ecclesiastical subjects, intended to be used on Church festivals and Saints' days; and we doubt not they were actually sung on such occasions, as we find portions of them, at least, in later collections of hymns, which we know were used in some of the English churches. They are in the metres that were most popular for such uses, that is, iambic or trochaic dimeters. Of these Hymns, properly so called, there are only two. The one composed for Ascension-day, beginning *Hymnum canamus gloriæ*, soon gained quite an extensive reputation, and was used in many of the Continental churches. We believe the same to be true of the hymn for Innocents' day, *Hymnum canentes martyrum*.

We cannot recognize any high poetical excellence in these compositions. Some characteristics of the poetical temperament Bede undoubtedly possessed, — such as a delicate sensibility and a ready perception of the force of poetical language. But in the higher qualities of imagination, and in constructive power, he was totally deficient. Very little of his poetry rises above mediocrity. In mere poetical merit he more nearly resembles Wither than Herbert, and is far inferior to Charles Wesley, and even to Watts, while in the glow of devotional feeling he is the equal of any of them. How far he falls below Thomas of Celano, and the other authors of those grand old Latin hymns which we account among the noblest lyric efforts that man has ever made, we need not say. He seems to us rather as a man of more than ordinary talent and fond of literary pursuits, who has mistaken the desire of poetical merit for the ability to achieve it, and so has tried his skill in poetry. Bede certainly was such a man, highly flattered for his literary successes, familiar with the best Latin poets, and profoundly sensitive to their influence on himself; and having gathered from them a stock of poetical images and phraseology, he did his best to resemble them, with none of their original genius and genuine inspiration. His language is generally a pure Latin, because it is taken directly from the Latin writers. Many of his phrases can be traced to Ovid, Virgil, and Lucretius. But when he trusts to himself, his figures are sometimes harsh, and his style is rather crabbed. He was more successful in his metres than in poetical invention. The subject of metre and versification he had made an especial study, and understood it with a rare intelligence for one in his position; and it was perhaps his proficiency in this department that misled him to so many attempts at poetical composition.

The second and third volumes are filled with Bede's Ecclesiastical History of England. Dr. Giles gives us both the original Latin and an English translation. No other work of Bede is so generally known as this, which indeed has an interest for a larger number of readers than any other. Compared with secular history, that of the Church is attractive to a much smaller circle. Yet this work is of the highest value,

and is held in the highest esteem, not only by theologians, but by all who care for the early history of England. It is a main source, and in some matters the only source, of information touching the affairs of that country for the first seven and a half centuries after the Christian era; and for nearly one hundred and forty years after the conversion of the Saxons by Augustine, it contains a copious account, more copious than can be found anywhere else, of the events connected with the progress of Christianity in that island. We are not to wonder, therefore, that it was early, and has been frequently, published as a separate work, or that it has been repeatedly translated. The first edition of which we have any knowledge was published in A. D. 1500, on the Continent, and has been often repeated there. The first in England was by Wheeloc, in folio, at Cambridge, in 1644, with the Anglo-Saxon translation of King Alfred. There has been a later edition by Chifflet, a Jesuit, at Paris, in 1681; one by John Smith, a Canon of Durham, at Cambridge, in 1722; and the latest previous to that of Dr. Giles, by Stevenson, published, in octavo, in 1833, by the English Historical Society. Beside the version of King Alfred, we have one in later English, made by Thomas Stapleton, in 1565; another by John Stevens, in 1723; one by Hurst, in 1814; and the present, first issued in the series of the Monkish Historians of England, and now carefully revised.

Though this work of Bede has little likeness to the ideal on which in modern times the historians of the Church have written, it has distinctive merits enough, in its peculiar method, to entitle it to a careful study, and at least furnishes a curious illustration of that in the progress of Christianity which our ancient fathers thought most worthy of a record. His sketch of the course of events in England before the close of the sixth century is rapid, and for that reason unsatisfactory. Here he was compelled to rely on the authors who had written on this subject before him, and could, of course, add little to the meagre tract of Gildas, and the occasional notices of Orosius and Constantius. From the year 596, when the missionary zeal of Pope Gregory sent forth Augustine, at the head of a band of devoted priests, to attempt the conversion of

the heathen Saxons and Angles, the work assumes a new character, and Bede, no longer a transcriber, becomes an original historian. The story of the period from the coming of St. Augustine to 731, reaching almost to the author's death, was yet to be written. Here he followed his own judgment of the authorities to be relied on, and the kind of events to be recorded. Almost a third of this period came within the compass of his own manhood; of all of it, in regard to the temper of the times and the credibility of alleged facts, hardly any man then living was a more competent judge than he; and through the whole of it, while his narrative becomes more copious and minute, we feel that the writer treads with a firmer and more assured step. In his gathering of materials for his purpose, he was aided by friends who were deeply interested in his work, and fully competent to render him assistance. Within his own reach were the facts he needed for his native district of Northumberland. For the events in Kent and the neighboring provinces, where the missionaries from Rome first introduced their peculiar usages and faith, he relied on the authority of Albinus, then Abbot of St. Peter's, Canterbury, and an accomplished scholar, at whose instance the work was undertaken, and who was in a condition to give him very copious and accurate information. From him Bede received not only documents and traditions, but kind and wise suggestions touching the entire form and fashion of his history. In regard to foreign affairs, the doings in the Church at Rome, the movements of Augustine, and his correspondence with the Pope, Bede was mainly indebted to Nothelm, then a simple priest at London, and somewhat later the Archbishop of Canterbury. He was a man of fine taste and ample attainments, and occupied the leisure of a visit to Rome in searching the archives of the Papal Court, and collecting such papers as might be useful in his friend's great undertaking. Many other prelates and monks contributed such stores of knowledge as they had of the progress of events in their more immediate precincts,—as Bishop Daniel of the West-Saxons, and the brethren at Lastingham. Throughout the island there seems to have been a genuine sympathy with his purpose, and none were so churlish as to withhold the aid that they might give.

The authorities thus furnished him Bede certainly used with a scrupulous fidelity to his duty as an historian, carefully weighing and sifting the testimonies he received, and admitting those only which he thoroughly trusted. Doubtless he admitted much that modern scepticism would reject. He firmly believed in the reality of miracles which we should esteem only instances of imposture, or the results of a self-deceived credulity. His was the general faith of the age. Probably no man then doubted the wonders that were said to accompany the martyrdom of St. Alban, or failed to give God thanks when he remembered the Hallelujah-victory of St. Germanus. He was also a stanch believer in the superior claims of the "holy Roman Church" on the obedience of his countrymen, in more matters doubtless than the shape of the tonsure and the observance of Easter; and this preference must have colored in some degree his account of many transactions. His monastic predilections, too, had clearly much influence on his choice among the events of which the evidence was before him. He dwells with a very pardonable earnestness on the devout life of Hilda, the Abbess of Whitby, and the marvels wrought by St. Cuthbert. Such sketches of the conspicuous persons of the time, all eminent in holiness of life and in wonderful works, are freely scattered through the narrative. Mingled with all this, we have much also of what would now be thought the more appropriate themes of his history, the conversion of the several tribes, the decisions of church councils, warfare, and persecution.

The fourth volume contains a variety of articles; — The Seven Wonders of the World; a *Martyrologium de Natalitiis Sanctorum;* a Life of St. Felix of Nola; a Life of St. Cuthbert of Lindisfarne; the Lives of the Abbots of Wearmouth and Jarrow; and the Book of the Holy Places. The first and last are of very little value, though the latter may have been useful to the men of that day, when so little was known of the localities of Palestine. It is copied mainly from the relations of Arculf, a French prelate, who, while returning from the Holy Land, had been driven on the shores of Britain, and entertained by the Northumbrian king. The Martyrology, or rather, for that seems to have been the design of it, the calendar of the saints,

is very imperfect. The longest article in this volume is the Life of St. Cuthbert, and is of a singular interest to us, as a faithful picture of monastic and hermit life in those days.

Bede's Life of St. Cuthbert indicates as prevalent a firm faith in the supernatural or extra-mundane, as distinguished from the spiritual. The men of that day seem to have felt, as we do not now, the constant presence and intimate agency of higher powers than human, yet entirely distinct from the divine. Visions and dreams were no singular modes of celestial intercourse with the faithful. While the devout man relied on the promises of the Scriptures, he looked for an unearthly guidance also, and thought it no strange thing if his wants were supplied by the ministry of angels, and his pathway made secure by their visible companionship; and not in great emergencies only, but in the commonest affairs of daily life, did he esteem himself to have experienced their fraternal service. As, too, he reached the higher stages of a Christian life, the powers of nature became subject to him. Fire, and the winds, and the ocean were ruled by the efficacy of his prayers. Unclean spirits could not abide the terrors of his presence. Like the first disciples, his touch healed foul diseases, and a mysterious and irresistible power over evil resided even in the place where he dwelt, and in every relic of his person. Such a belief seems to have been almost universal. Hence arose a peculiar standard of Christian character and attainment; and men regarded as a saint, not him who did the largest service to his fellow-men, or guarded himself with the most jealous care from evil, or worshipped with the purest sincerity, but him for whose safety some more than human power had interposed, — whom the birds had fed, or wild beasts had spared, — or whose sanctity had been displayed in gifts of healing and the working of miracles.

Another prominent trait in the religious temper of that age lies in the very high estimate that was set on ascetic practices. Seclusion from the world, with an austere self-denial, which often became harshness and severity, was deemed the most acceptable form of Christian consecration. Other types, indeed, were not wanting. The burning zeal of not a few constrained them to undergo, with cheerfulness and hope, the

fearful hazards and hardships of a missionary life, in which only the heroic constancy of heavenly love could overmaster the natural dread of savage sullenness and barbarity. The monastic system was yet waiting for St. Dunstan, and the notion of the celibate purity of the clergy for Lanfranc, to carry them on to a full development and general acceptance. Each of these had, however, already a mighty sway over the minds of men, and the entire scheme, of which they were parts only, had made vast progress among the Britons and Anglo-Saxons. The simple-hearted devotee found his appropriate place in the lonely hut of the anchorite, or, if of feebler purposes, was fain to content himself with the vows and discipline of the monastery. All England was then dotted over with such institutions, and, while it must be said that they were places of studious retirement also, the homes of literary culture and scientific instruction, they contributed in no slight degree to give a consistent shape and permanent prevalence to that most effective yet distorted conception of the Christian life of which we have indicated one or two of the features, and whose complete portraiture we need not now attempt.

Such elements in the habitual conceptions of men touching the true end and ideal of life, must have had a powerful influence on the biographer. He would naturally expect to find such virtues in the hero of his story, nor would he need a strong testimony to induce him to believe that he had found them there. With all his manifest honesty of intention, we cannot think that Bede's Life of St. Cuthbert is an exception to this remark. The proportion in which he has introduced the different elements of biography shows at once the popular taste and the tendencies of the writer. He despatches in a very few paragraphs what he has to say of St. Cuthbert as a bishop, and fills five sixths at least of his sketch with a minute and circumstantial narrative of the wonderful things done by him and for him. He presents him to us as a most persuasive preacher, and one who shrank from no endurance or toil in carrying his messages of mercy to reluctant men. Weeks and months together would he pass in the gorges of the hills along the Tweed, or in lonely hamlets in the most secluded districts of Yorkshire, always exposed to the sudden wrath of a bar-

barous and idolatrous people, if he might so win any to the obedience of the truth. Of his brief episcopate we learn little more than that, as became his office, his self-denying labors were increased, and the fervors of his devotion became more intense. But when Bede comes to speak of the miracles that were wrought by him or in his behalf, he dwells on them with a credulous fondness, as if in them he recognized the crowning grace and glory of the saint.

St. Cuthbert took upon him the vows and habit of a monk in his very early manhood, and at first entered the monastery at Melrose (Mailros) on the Tweed, around which poetry and decay have gathered so much interest in modern times. Here he soon became conspicuous among the brethren, both by his monastic excellences and his peculiar gift of miracles; and for these reasons, as it seems, he was transferred to the kindred institution at Lindisfarne. After a most useful residence and service there, enforcing both by precept and example the extremest severities of conventual discipline, he withdrew to the island of Farne, about nine miles away, to carry on his devout practices under the better conditions of deep solitude. While here, after many years, he was chosen bishop and abbot of Lindisfarne, or the Holy Island, which his presence there did so much to make celebrated in the memory of all ages; and to his lonely retreat King Egfrid, Bishop Trumwine, and a vast company of powerful and religious men, were compelled to resort, that by prayers and tears and adjurations they might constrain him to become a bishop. Erelong he closed his earthly labors most fitly in the harness of that high function. From childhood he had been set apart to it, by prophecies and marvels, and the whole course of his life answered well to such a beginning. It were too long a tale for us to rehearse marvellous portions of his story; — how his lameness was cured by an angel; how, as he slept on the hill-side, he saw a vision of angels carrying the soul of St. Aidan to heaven; how an eagle supplied him with food, and the crows apologized for an injury they had done him; how the creatures of the sea paid him reverence, and conflagrations were checked by his prayers, and a fountain gushed out from the dry earth for his relief; how he healed the sick by the touch of his linen girdle, and

by holy water which he had consecrated; and how a cup of water which he had tasted caught from his lips the flavor of wine. Nor did the marvels which were wrought by him depend on his presence only, or cease when his soul left the body; but we read, that a handful of dirt scraped up from the earth, on which had been thrown the water in which his corpse was washed, relieved a lad who was possessed of a devil; that a palsied man was cured by putting on his shoes; that a bit of calf-skin, on which he used to kneel in prayers, steeped in water, had power to reduce grievous swellings of the face; and that prayers offered at his tomb had a mighty efficacy to heal the infirmities of men. Such a collection of wonders we have not found elsewhere, except, possibly, those reported by Sulpicius Severus of St. Martin of Tours. Yet all these — and this is itself no less a marvel — are related by Bede with the utmost gravity, and with every token of a sincere belief in them.

It is very remarkable, that, in a little tract which in this volume follows immediately the Life of St. Cuthbert, and in which Bede gives us a biographical account of the first five abbots of Wearmouth and Jarrow, the miraculous element is omitted altogether. Works of piety, monastic zeal, and scholarly taste are freely spoken of, but we have no intimation anywhere of the exercise of supernatural powers by them. This difference in the method of the two books, and in the leading principle on which they are constructed, — the total omission in one of what gives its chief peculiarity to the other, — might lead the reader to doubt if both were written by the same hand. The treatise on "The Holy Abbots," though it bears traces enough of the prevailing sentiments of that period, comes much nearer than any other work of Bede to our modern notion of a proper biography. Of the men who are commemorated in it later generations have retained a recollection of only one. Benedict Biscop was a man of eminence in his own day, and for his high character and services well deserved a lasting remembrance. Of noble birth, and high in the favor of his sovereign, he renounced in early manhood the bright prospects the world held out to him, for obscure but more useful labors in the Church. He studied the monastic discipline

at the isle of Lerins, — then and long afterward so famous, and still kept in memory by the test of Vincentius, — and received the tonsure there. After founding his twin monasteries, he made frequent visits to Gaul and Rome, five to Rome in all, from which he always came back laden with precious relics, more precious books, and excellent paintings, and accompanied by the most accomplished artists to aid in building and perfecting his institutions. He ruled there sixteen years with a mingled gentleness and severity that won the entire love and admiration of such as Bede. We too may award to him no slight measure of both, when we call to mind that in his last hours he left, as his especial charge to his survivors, a command that the "large and noble library" which he had placed there should never be dispersed, or be injured by neglect. To that library, indeed, we owe Bede himself, and all that we derive through him, for there his literary tastes were fostered, and in the diligent use of its treasures his life was spent.

The period in which Bede lived might be called the era of the revival of learning in England, or, perhaps more truly, of the introduction of classical literature into that country; for few traces, we imagine, could be found there of the earlier Roman occupation. In this change of literary culture among the Anglo-Saxons, the monastic institutions rendered no slight service. It is, indeed, hardly too much to say, that but for them there had been no such innovation, or that the effects of it would have been transient and unimportant. Nor do we in any way undervalue the pious labors and missionary zeal of their inmates, when we account this among the most important of the services they have rendered to our race. Next certainly to their guardianship of the faith, of which they were among the stoutest bulwarks, we must prize their office of keeping and transmitting the intellectual treasures and cultivation of brighter periods and more gifted nations than their own. The treasures and their impulsive power came from abroad; but they found an eager welcome and a congenial spirit in the men of Anglo-Saxon blood. Theodore, Archbishop of Canterbury, and a native of Cilicia, seems to have brought in the movement; but Aldhelm, Acca, Biscop, and Bede were ready to accept and propagate it. The pupils of

Theodore are said by Bede to have known the Greek and Latin tongues as well as that "in which they were born." Surely, such studies found their natural home in the calm air of monastic seclusion. Libraries were speedily gathered there; and not seldom monks went abroad to Gaul and Italy, and felt themselves amply repaid for all the fatigues and dangers of the way, if they might bring home a single volume of some old master or renowned saint. Theological studies occupied, of course, the first place in their pursuit, and the volumes of St. Basil, St. Jerome, and St. Augustine were, after Holy Scripture, oftenest handled, and with most diligent and reverent heed; but Aristotle also, Pliny, Homer, and Virgil received no trifling share of affectionate attention. In the writings of Bede and his contemporaries we find abundant evidence of their familiarity with the chief authors of classical antiquity, as well as with the Fathers of the Church. Nor were they niggardly dispensers of their gifts. Every one, in whose soul was a longing for knowledge and truth, might have his need richly and readily supplied within the cell of some learned brother of the monastery; and while Theodore yet ruled in Canterbury, not in the favored province of Kent only, but all over the realm of England, the anxious learner and the glad teacher might be found in company. Nor was the light less bright in far-off Hexham and Jarrow and Lindisfarne. Nor did the fire thus kindled ever utterly go out in the land. Amid domestic war and revolution, the ravages of the Danes and the wide changes of Norman invasion, it always burned, clearly or dimly, till the institution which had so long preserved it grew too narrow for its spreading dimensions, and the now stifling and strangling enclosure was rent asunder by the Reformation.

While entering on a career which led to results so magnificent, the monastic institutions themselves, in England, were as yet in their infancy. Their full and perfect form was still far in the future. Biscop had sought by careful observation of the discipline of seventeen monasteries, in several countries, the principles which should regulate the practice of those which he established at Wearmouth and Jarrow. The like, in varying degrees, was true as to many other kindred institu-

tions in other parts of the country. Yet there was in fact a controversy even then going on, and not for many years to be brought to a close, between distinct systems of monastic rule. When St. Augustine landed in Kent, he brought with him the scheme of his patron, Gregory, the idea of which was to combine as far as possible the separate functions of monk and priest. But there prevailed throughout the northern provinces the Scottish rule, so called, of St. Columba, which tended more to quiet and contemplative repose, and which, as having borne rich fruits of practical piety and pureness of life, had become deeply rooted in the affections of the people. The devout men who in that day used to resort freely to Rome, returned home with a favorable report of the now widely spreading rule of Benedict of Nursia, which made a large amount of manual labor a prominent element in the monastic life, and superadded thereto harsher austerities and more painful self-denials. This scheme was introduced, as it is thought, and certainly was vigorously enforced, by St. Wilfrid of York. The contest between these rules was friendly in the main, yet still a contest for the supremacy; and Bede, and those with him, leaning strongly to Rome, and swayed by its claim of superior catholicity, arranged themselves under the banner of the Benedictines, and greatly contributed to its final success. His time was, in this respect, a period of transition; and his biographies, as well as his other writings, betray this as his condition, though he nowhere speaks unkindly of others, or uncertainly of himself.

The fifth volume of Dr. Giles's edition is filled with what remains to us of Bede's Homilies; those at least of whose authenticity there is adequate evidence, though but a small part of those which have come down to us under his name. They are fifty-nine in number, and seem to have been prepared especially for use on Sundays and the greater church festivals. They are by no means long, occupying about seven octavo pages each. All of them are expositions of select portions of the Evangelists, a part, probably, of the lessons for the day, the verses chosen being treated *seriatim*, and they bear no resemblance to the modern sermon. They were probably delivered to the assembled brethren within the walls of

the monastery, since they are written in Latin, and it is well known that the exhortations in the parish churches, and discourses addressed to miscellaneous audiences in the fields or highways, were, of necessity, in the Anglo-Saxon, or native tongue. There is little show in them of deep thought or learning, no effort at speculation or originality, but an evident aim throughout at the instruction and edification of the hearers. The thoughts and illustrations are mainly gathered from the expositions of the earlier Fathers. Points of doctrine are sometimes referred to, but never insisted on at length, and always made subordinate to the uses of practical religion. The exposition is always after the allegorical method, which labors to detect a spiritual meaning under the simplest natural facts; and in this search no slight ingenuity is often displayed. The style of address is ordinarily simple, direct, and affectionate; and the language as plain as such a mode of discussion will admit, and pleasantly set off by a tone of persuasion, which sometimes rises almost to eloquence. We cannot doubt that these Homilies may be considered favorable specimens of the preaching of those times, and so may serve as types of its peculiar excellences and defects.

The sixth volume contains Bede's writings on subjects of secular learning. It opens with a tract of about forty pages, *De Orthographia*. This is little else than an alphabetical collection of important Latin words, with their meanings and peculiar uses, and a discussion of synonymes, with a special reference throughout to the proper mode of spelling. It may serve to indicate the ways in which the men of those times used the Latin language, and the extent of their attainments in it, but it cannot be of use in the researches of modern scholars. The next is a treatise, *De Arte Metrica*, to which is added, as a sort of supplement, one *De Schematis et Tropis Sacræ Scripturæ*. The theory and practice of Latin versification was a favorite subject with Bede, and one to which he seems to have given much time and attention. The composition of Latin poetry was considered then, doubtless, as in later times also, the highest accomplishment of liberal scholarship. Indeed, we have still specimens in this kind from several of the more conspicuous literary men of that period, — Aldhelm,

Boniface, and others, — enough at least to show that the practice of writing Latin verses was by no means rare, however seldom the writers attained any high excellence in it. Bede was not the inferior of any in propriety of language or general purity of style, bad as were sometimes his style and language, and was less than the most of them given to conceits, alliterations, and a turgid and barbarous phraseology.

His treatise on Latin metres was compiled from the treatises of more ancient writers on the subject, and seems to have been composed especially for the instruction of Cuthbert, a fellow-monk, or, as he calls him, *conlevita*. It is in every way creditable to the author, and must have proved eminently serviceable, not only to beginners, but to advanced students in the art, though it is much less full and complete than the text-books which are now put into the hands of lads at the outset of their training in longs and shorts. It is a compact and well-arranged statement of the facts and rules touching the quantity of syllables, the laws of scansion, and the structure of verse. It was intended for practical use, and so eschews everything like theory ; unlike, in this respect, the very excellent work of St. Augustine of Hippo on the same subject, and bearing the same title, which Bede certainly must have had within his reach. The topic seems to have been a favorite one with Bede, on which his tastes led him to bestow much labor ; and we find, as we might expect, traces of his own investigations in it, and occasional bits of just and genuine criticism. This work would prove, were there any doubt about it, that Bede — and we may, of course, conclude the same of other scholars of his day — was familiar with such Roman poets as Lucretius, Virgil, and Horace, as well as with Sedulius and Prudentius, and the early Christian hymnists. There is ample evidence that he had studied them often and carefully, and we are by no means sure that the students of that day did not oftener read the Latin poets than the prose-writers. We may add, that, busied as he is in this work with what seemed a purely secular subject, Bede does not forget that he is a Christian and a monk, and justifies to Cuthbert his occupation by declaring the art a *quasi* sacred one, — "quæ divinis non est incognita libris."

The same feeling is displayed also in his little tract on Tropes and Figures. He brings to the notice of his readers a vast number of the forms of figurative language, the most of which are utterly unknown in modern systems of rhetoric, names them, marks the principal ones by their distinctive characters and definitions, and derives the examples to illustrate them almost exclusively from the Scriptures, which he quotes in the Hebrew as well as in the Latin.

Next, we have Bede's notions of the structure of the universe, in a tract *De Natura Rerum*, followed by two much longer and more elaborate treatises on a special department of this great theme, and severally entitled *De Temporibus* and *De Temporum Ratione*. The volume is closed by two very short articles, — one, *De Tonetruis*, and the other, *De Minutione Sanguinis*. In these works, as in almost all he wrote, he was very largely indebted to earlier writers, and certainly drew a principal share both of his facts and his opinions from Aristotle, the elder Pliny, and Solinus, as well as from the Hexæmeron of St. Ambrose. We may presume that the judgments which he pronounces in these matters were held in like manner by the body of intelligent and scholarly men in his day, and are in no sense to be considered private speculations and original with him. Strange and fantastic as they may seem to us, they were grave realities to him; and whatever we may think of the justness of his opinions, surely no one can read his treatises on these subjects without admiration for the wide range of his studies, and wonder that the obscure monk of Jarrow, far from the world where letters and philosophy most prevailed, and chained as it were in his lonely cell, could have accumulated so vast and varied stores of information.

Our readers will probably not desire a minute statement of the doctrines in physics held by Bede, nor would they, we fear, tolerate a full exposition of his cosmogonal theory. Yet, among all the peculiarities of the old-world thinking, we know of none so fruitful in topics of inquiry and materials for the history of speculation as the fragments that have reached us of ancient cosmogonies. The reasonings of Pythagoras, the conclusions of Empedocles, the physical dreams of Democritus, are of scarcely less interest and value — nay, of much more,

as illustrating the general intellectual movement of those times — than the odes of Pindar, or the tragedies of Euripides. Far more than any other style of thinking do those theories exhibit in their authors the feebleness of their logic and their marvellous ingenuity in construction, the heavy pressure they felt of the essential unity that rules over the world of thought and the universe of things, and the manifold results on their moral, social, and intellectual character of the peculiar aspect in which they looked at the material creation that environed them. In this regard, these works of Bede are of great worth; and the more so, as they seem to have been for a long period the manual of instruction on those subjects to the Anglo-Saxons, and to have embraced all, or nearly all, that was then known or received concerning them.

In regard to the character of the facts he states, and the amount of information he conveys, Bede belongs plainly to the ancient, the ante-Baconian school of philosophizing. And yet the differences between his mode of philosophizing, that of the earlier Greek philosophers, and that of the Schoolmen who came after him, are very marked. Of the æsthetic aspects of their themes neither he nor they seem to have made much account, though some of them gave birth to lofty speculations touching beauty, both ideal and real, and not a few passages in his writings show that he was by no means insensible to the manifestations of beauty in the forms of nature. But while the theories of the others to whom we have referred were mainly constructive, the teachings of Bede consist chiefly of observed and ascertained facts; and though he by no means abjures the occult relations of cause and effect, he seldom rises, or tries to rise, into the region of pure invention. Had he been a disciple of Bacon, he could hardly have adhered to supposed facts more closely, though his conclusions are often hasty, and a credulous reliance on authority supplies the place of evidence. Another influence which earlier inquirers lacked utterly, and which has but uncertainly controlled more recent speculations, entered largely into the elements of Bede's determinations in natural science. He reasoned no less as a monk than as a philosopher.

Bede accepted, of course, the Ptolemaic system of astronomy. To him the earth was the centre of the universe, and the stars

fixed bodies in the firmament. Above this firmament was the highest heaven, the home of angels, who, he believed, had the power of appearing in human shape to human vision. The firmament, with all its spheres, revolved daily, with unimaginable velocity, around the earth. He held also the old doctrine of the four elements as the constitutive principles of all created things. Thunder was, in his view, produced by the bursting of the clouds, and earthquakes by the violent rush of wind from the caverns of the earth. The most obvious topics in natural science are treated briefly, and in proper order, as eclipses and comets, the zodiac and the milky way, the rainbow, in which he recognizes only four colors, the shape of the earth, which he believed to be globular, rain, hail, snow, and tides. His doctrine of the tides is quite a remarkable anticipation of that demonstrated by Newton. "Æstus oceani lunam sequitur, tanquam ejus aspiratione retrorsum trahatur, ejusque impulsu retracto refundatur," is his language in the explanation of that subject. In the tract *De Temporum Ratione*, after stating many influences of the moon on vegetable and animal life, which, though then upheld by high authority, are now received by the vulgar only, he adds an especial chapter, *De Concordia Maris et Lunæ*. In this he points out in detail the coincidences in the movement of the two. The only addition he made to the already existing stock of information on this subject lies in his refutation of the opinion, then current, that the waters rise everywhere at the same time and uniformly, — his own observation of the course of the tides along the eastern coast of the island pointing to an opposite conclusion.

The treatises *De Temporum Ratione* and *De Temporibus* display a very large amount of industry, learning, and ingenious statement. The discussion, though it reaches far beyond this immediate purpose, was doubtless intended to advocate and introduce to popular acceptance the Roman observance of Easter. This, as we have already remarked, was one of the chief points then in controversy in the Church, and was contested almost fiercely in England. The Anglo-Saxon and old English churches generally followed the Oriental practice, and adhered to it steadfastly, perhaps stubbornly. Bede was a zealous adherent of the Roman Church in this as in other

things; following therein the guidance of the founder of Jarrow, and Wilfrid of York, who had both done much to give prevalence to the Roman usage. The contest had already been a long one. The question was among those raised by the missionary Augustine more than a hundred years before, and the point one in which he claimed the submission and allegiance of the British bishops. It had been invested with new bitterness by its combination with national feeling, and became the line of separation between the rival communions which demanded severally the obedience of all Christians in England. The side espoused by Bede had begun extensively to prevail, and its final success was due very much to the skill and learning with which he contributed his part to the discussion.

To set forth in detail a system of chronology, and to establish it on fit grounds of physical and astronomical reasoning, is, under the most favorable circumstances, no easy task. Nor is less ingenuity, perhaps, required so to construct a system as to support certain foregone, and especially ecclesiastical conclusions. In Bede's case, to all difficulties of this sort was superadded another no less formidable, and the influence of which reached every corner of such inquiries, — that arising from the very defective system of arithmetical notation then in use. The Arabic figures were not yet introduced into Christendom, — the seven Roman letters were forced to do all possible service, in every possible computation; and Bede was compelled to open his treatise with a chapter on counting with the fingers, *De computo vel Loquela Digitorum*. In spite of all hinderances, however, he has produced a work of rare merit, and, to those who are concerned in such matters, of singular interest, and in the highest degree creditable to the author. We have no room to examine any of the positions maintained in it, and the work is of a kind which does not admit of quotation. Nor would our readers care to hear of embolisms, epacts, indictions, and the like, which Bede handles so readily. It is enough to say, that no one of his works has made on us a deeper impression of his sincerity of purpose and honesty in argument, and of the remarkably wide range and accuracy of his knowledge, and the consummate art with which he has used the materials within his reach.

We should leave our notice of Bede's philosophical works incomplete if we omitted to describe the tracts — both brief, however, and of slight importance, yet curiosities in their way — *De Tonitruis* and *De Minutione Sanguinis*. Having elsewhere treated of the causes of thunder, he here considers it as an omen, and suggests the diverse interpretations to be put upon its occurrence at different periods and under different circumstances. The minuteness of the observations made upon this phenomenon, or rather the variety of conclusions connected with it, is quite remarkable, — a different meaning being assigned to the exhibition of it at each of the points of the compass, in each month of the year, and each day of the week. Thunder on Sunday, for instance, was thought to presage a great mortality among the clergy and nuns. In like manner, in the tract on blood-letting, he states the several effects which follow the application of it to the different parts of the body, and gives special rules guiding one's use of it at each appropriate phase of the moon in each of the months, and a table, from which one may learn whether it will prove useful, harmful, or indifferent, on either of the thirty days of the month. The doctrine of the moon's influences on the growth or decay, the health or disease, of vegetable and animal life, seems to have been, in his day, not merely a superstition of the vulgar, but an essential part of the creed of the man of science; and Bede, no doubt, felt strong in his faith in it when he could appeal to so high authorities as St. Ambrose and St. Basil. That was an era in the history of thought when the utmost deference was paid to the authority of great names. Nor was a proper discrimination made among the very unlike spheres of their superiority; and the *dictum* of one of the Fathers of the Church was accepted by the devout credulity of the times as sufficient warrant for a fact of science, no less than for a doctrine of theology. And surely we are not to find fault with Bede if he shared in the almost universal temper and tendency of his age; and if, without always using his own powers of observation in his narrow precincts, he was satisfied to gather diligently the reports of others, and transmit them in only new forms and combinations. Still it would be an injustice to him

were we to omit to say that there are in his scientific as well as his theological works, not a few traces of independent thinking on his part, and of a judicious criticism of the statements and opinions of the authors on whom he mainly relied.

The last six volumes of this edition are occupied with Bede's commentaries on the various books of Holy Scripture. We may dismiss the consideration of them with comparatively few words, inasmuch as the same characteristics run through the whole of them, and constitute the excellences and defects of them all. They include nearly all the books of the Old Testament except the Prophets, and of the New Testament except the Epistles of St. Paul. The author's choice of the particular portions of the Bible to be illustrated seems to have been determined quite as much by the suggestions of his friends, or ecclesiastical superiors, as by his own tastes, or his judgment as to what might be most serviceable to the Church. He does not attempt to disguise the fact that his commentaries are mainly compilations. On the contrary, he sets forth that circumstance as giving them their peculiar value, and claims to be read, not for any merit of originality, but because he has thus brought within the reach of the unlearned and the poor the wiser interpretations of the great Fathers of the Church whom all were accustomed to revere; and, with unaffected modesty, he is disposed rather to apologize for the introduction sometimes of his own thoughts among those of St. Basil, St. Ambrose, and St. Augustine. In the epistle to Acca, which is prefixed to his commentary on St. Mark, he states his method in these words: "Maxime quæ in patrum venerabilium exemplis invenimus, hinc inde collecta ponere curabimus"; — and to justify his own share in the work he describes it as "ad imitationem sensus eorum." This description might have made these books more acceptable to his contemporaries, yet we should be glad to know what Bede himself contributed, and thus to have some authentic specimens of the peculiar thinking of his age.

In modern times we distinguish the various classes of commentaries as the historical, the exegetical, and the devotional; but Bede everywhere combines all these characters; and though there is much in him that we might reject as erro-

neous, or throw aside as fanciful and useless, yet in many respects his interpretations may well sustain a comparison with those of the ablest commentators of our day. The logical sequence of thought in the book he is explaining is usually distinctly marked; an attempt at least is made to elucidate the references to antique customs and the like, and the whole is pervaded by a spirit of earnest, sincere devotion. His main object, doubtless, was to cherish this spirit, and the pursuit of that object led him to what seems to us the excessive use of an allegorizing method of interpretation, which constitutes the peculiarity in his style of commentary. He seems to have been tempted in the same direction, also, by his reverent regard for the Scriptures themselves, in which he is surpassed by few even of the most strenuous defenders of the proposition that "the Bible is the only rule of faith" in our day. He could hardly believe that the inspired writers would state a natural fact, simply as such, and without designing to convey through it some high spiritual truth.

Why the memory of Bede has lived so long must be apparent from our imperfect account of his works. Of those who aided in the initial stages of English civilization, no one, from the day when Cæsar landed on the island to the day when William had reduced it to the sway of the Normans, if we except Alfred in a totally different sphere of influence, wrought so effectually as he did. To the elements of that movement no other man contributed so largely as he in the departments of literature, science, and religion. He addressed his labors to the leading minds of his own and the following ages, and through them guided and moulded those of all inferior orders. His scientific treatises were for many generations manuals of instruction, and the temper of warm devotion that animated his theological treatises must have kindled a like ardor in other souls. The day in which he lived was one of more than ordinary activity in every department. Few ages have witnessed a missionary zeal so intense, and leading to such self-denying labors, as glowed in the hearts of Boniface, Wilbrord, and Willibald. In love of learning and efforts for its promotion, any generation might be proud of Aldhelm, Theodore of Tarsus, John of Beverly, and Benedict Biscop. In the high

places of the Church, Aidan, Adamnan, Wilfrid of York, and Cuthbert of Canterbury might vie with the men of any age in strenuous labors, and in sagacity and wisdom of administration. Yet, able as they were, and each of them superior to him in some particulars, we doubt if any of them or all of them wrought so effectually for the immediate and permanent interests of his country as did the meek and gentle-spirited monk of Jarrow; and it is only the just judgment of the people whom he served so well, which, while it has suffered all the rest to pass wellnigh into oblivion, has retained in almost unimpaired freshness the name and the memory of Bede.

ART. IV. — 1. *A Law Dictionary, adapted to the Constitution and Laws of the United States of America, and of the several States of the American Union; with References to the Civil and other Systems of Foreign Law. To which is added, Kelham's Dictionary of the Norman and Old French Language.* By JOHN BOUVIER. Tenth Edition. Revised, improved, and greatly enlarged. Philadelphia: Childs and Peterson. 2 vols. Royal 8vo. pp. xi., 692, 827.

2. *Institutes of American Law.* By JOHN BOUVIER. New Edition. Philadelphia: Childs and Peterson. 4 vols. 8vo. pp. lxxix., 568, 655, 750, 728.

THE author of these volumes taught lawyers by his books, but he taught all men by his example, and we should therefore greatly err if we failed to hold up for the imitation of all his successful warfare against early obstacles, his unconquerable zeal for the acquisition of knowledge, and his unsparing efforts to distribute the knowledge thus acquired for the benefit of his professional brethren. Born in the village of Codogman, in the department Du Gard, in the south of France, in the year 1787, at the age of fifteen he accompanied his father and mother — the last a member of the distinguished family of Benezet — to Philadelphia, where he immediately applied himself to those exertions for his own support which the rapid

diminution of his father's large property had rendered necessary. In 1812 he became a citizen of the United States, and about the same time removed to West Philadelphia, where he built a printing-office, which still exists as an honorable monument of his enterprise. Two years later we find him settled at Brownsville, in the western part of Pennsylvania, where, in 1814, he commenced the publication of a weekly newspaper, entitled "The American Telegraph," the first number of which (Wednesday, November 9th) is ushered into life with a proclamation of honest neutrality, which, in these latter days of rigid and unscrupulous party divisions, reads like a practical joke, or a document in a dead language. The editor promises that he will "discountenance factions and factious men, under what plausible name soever they may be shielded. He will never censure the executive and other public functionaries, let them be attached to what party they may, when, in his opinion, they act as becoming Americans, nor basely crouch to any man or set of men, and neglect the duty which every editor in the Union owes to the public, — an exposure and support of the truth." How many patriots, "anxious only to know the truth," immediately enrolled themselves as subscribers to "The American Telegraph," we have no means of knowing. Unlike a vast number of hopeful American periodicals, however, the "Telegraph" continued to live, and in 1818, on Mr. Bouvier's removal to Uniontown, he united with it "The Genius of Liberty," and thenceforth issued the two journals in one sheet, under the title of "The Genius of Liberty and American Telegraph." He retained his connection with this periodical until July 18, 1820. It may still be in existence: it certainly was a few years ago, at the time when the biography of its editor was first given to the world.

It was while busily engaged as editor and publisher that Mr. Bouvier resolved to commence the study of the law. He attacked Coke and Blackstone with the determination and energy which he carried into every department of action or speculation, and in 1818 he was admitted to practice in the Court of Common Pleas of Fayette County, Pennsylvania. During the September term of 1822 he was admitted as an attorney of the Supreme Court of Pennsylvania, and in the

following year he removed to Philadelphia, where he resided until his death. In 1836 he was appointed by Governor Ritner Recorder of the City of Philadelphia, and in 1838 was commissioned by the same chief magistrate as an Associate Judge of the Court of Criminal Sessions. But the heavy draughts upon time and strength to which he was continually subjected had not been permitted to divert his mind from the cherished design of bestowing upon his profession a manual of which it had long stood in urgent need. While laboring as a student of law, and even after his admission to the bar, he had found his efforts for advancement constantly obstructed, and often frustrated, by the want of a conveniently-arranged digest of that legal information which every student should have, and which every practising lawyer must have, always ready for immediate use. The English Law Dictionaries — based upon the jurisprudence of another country, incorporating peculiarities of the feudal law, that are to a great extent obsolete even in England, only partially brought up to the revised code of Great Britain, and totally omitting the distinctive features of our own codes — were manifestly insufficient for the wants of the American lawyer. A Law Dictionary for the profession on this side of the Atlantic should present a faithful incorporation of the old with the new, — of the spirit and the principles of the earlier codes, and the "newness of the letter" of modern statutes. The Mercantile Law, with the large body of exposition by which it has been recently illustrated; the Law of Real Property in the new shape which, especially in America, it has latterly assumed; the technical expressions scattered here and there throughout the Constitution of the United States, and the constitutions and laws of the several States of the American Union, — all these, and more than these, must be within the lawyer's easy reach if he would be spared embarrassment, mortification, and decadence.

A work which should come up to this standard would indeed be an invaluable aid to the profession; but what hope could be reasonably entertained that the requisites essential to its preparation — the learning, the zeal, the acumen to analyze, the judgment to synthesize, the necessary leisure, the persevering industry, and the bodily strength to carry to suc-

cessful execution — would ever be combined in one man? Mr. Bouvier determined that it should not be his fault if such a work was not at least honestly attempted. Bravely he wrought, month in and out, year in and out, rewarded for his self-denying toil by each well-executed article, and rejoicing, at rare and prized intervals, over a completed letter of the alphabet.

"The writer of a dictionary," says Jean Paul Richter, "rises every morning, like the sun, to move past some little star in his zodiac: a new letter is to him a new year's festival, the conclusion of the old one a harvest-home; and since after each capital letter the whole alphabet follows successively, he may sometimes celebrate on one and the same day a Sunday, a Lady-day, and a Crispin's holiday."

In 1839 the author had the satisfaction of presenting in two octavo volumes the results of his anxious toils to his brethren and the world at large; and the approving verdict of the most eminent judges — Judge Story and Chancellor Kent, for example — assured him that he had "not labored in vain," nor "spent his strength for naught." This was well; but the author himself was the most rigid and unsparing of his critics. Contrary to the practice of many writers, considering the success of the first and second editions as a proper stimulus to additional accuracy, fulness, and completeness in every part, in 1848, when the third edition was called for, the second having been published in 1843, he was able to announce that he had not only "remodelled very many of the articles contained in the former editions," but also had "added upwards of twelve hundred new ones." He also presented the reader with "a very copious index to the whole, which, at the same time that it will assist the inquirer, will exhibit the great number of subjects treated of in these volumes."

He still made collections on all sides for the benefit of future issues, and it was found after the death of the author, in 1851, that he had accumulated a large mass of valuable materials. These, with much new matter, were, by competent editorial care, incorporated into the text of the third edition, and the whole was issued as the fourth edition in 1852. The work had been subjected to a thorough revision, — inaccuracies were

eliminated, the various changes in the constitutions of several of the United States were noticed in their appropriate places, and under the head of "Maxims" alone thirteen hundred new articles were added.

That in the ensuing eight years six more editions were called for by the profession, is a tribute of so conclusive a character to the merits of the work that eulogy seems superfluous. Let us then briefly examine those features to which the great professional popularity of the Law Dictionary is to be attributed. Some of these, specified as *desiderata*, have been already referred to with sufficient particularity. But it has been the aim of the author to cover a wider field than the one thus designated. He has included in his plan technical expressions relating to the legislative, executive, and judicial departments of the government; the political and the civil rights and duties of citizens; the rights and duties of persons, especially such as are peculiar to the institutions of the United States, — for instance, the rights of descent and administration, the mode of acquiring and transferring property, and the criminal law and its administration.

He was persuaded — and here as elsewhere he has correctly interpreted the wants of the profession — that an occasional comparison of the civil, canon, and other systems of foreign law with our own would be eminently useful by way of illustration, as well as for other purposes too obvious to require recital. We will barely suggest the advantage to the student of civil law or canon law of having at hand a guide of this character. And we would express our hope that the student of civil law or of canon law is not hereafter to be that *rara avis* in the United States which, little to our credit, he has long been. He who would be thoroughly furnished for his high vocation will not be satisfied to slake his thirst for knowledge even at the streams (to which, alas! few aspire) of Bracton, Britton, or Fleta; he will ascend rather to the fountains from which these drew their fertilizing supplies. We are aware that until recently even English jurists have been strangely negligent in this respect, and it is not forgotten that Lord Coke exults that, in Calvin's case, the judges "told no strange histories, cited no foreign laws, produced no alien

precedents." The legal bibliographer need not be reminded of the many valuable works on Roman Law which the profession in Great Britain has lately added to our law-libraries. In this country it is a matter of congratulation to the friends of a thorough legal education, that Story, Kent, Duponceau, Hoffman, and others have, in this matter, "marshalled us the way we ought to go."

Perhaps no one can appreciate so well as a lexicographer the difficulty of hitting the just mean between a brevity which obscures and a prolixity which weakens by dilution or expands the total beyond a practicable capacity. The dictionary-maker, confined to limits too narrow for his subject, realizes the perplexity of the hospitable host with few apartments and many coincident visitors. In a Law Dictionary, especially, what a powerful temptation to amplify the citation of authorities, the criticism of opinions, and the display of minute erudition, is presented by such titles as Agency, Articles, Assumpsit, Attachment, Authority, Award, Bailment, Bar, Battery, Bill, Blockade, Bond, Bottomry, Capias, Capital Case, Challenge, Condition, Confession, Damages, Debts, Deceit, Delivery, Estate, Evidence, Factor, Fee, Feudal, Fine, Guaranty, Heir, Husband, Ignorance, Interdiction, Limitation, Lunacy, Mail, Mania, Naturalization, Notice, Parties, Partnership, Quasi, Remedy, Replevin, Sequestration, Slander, Tender, Testament, Uses, Vexatious Suits, Witness, Writ, and many others that might be named!

To suppose that he who draws up many thousands of definitions, and cites whole libraries of authorities, shall never err in the accuracy of statement or the relevancy of quotation, is to suppose such a combination of the best qualities of a Littleton, a Fearne, a Butler, and a Hargrave, as the world is not likely to behold while law-books are made and lawyers are needed. If Chancellor Kent, after "running over almost every article in" the first edition, (we quote his own language,) was "deeply impressed with the evidence of the industry, skill, learning, and judgment with which the work was completed," and Judge Story expressed a like favorable verdict, the rest of us, legal and lay, may, without any unbecoming humiliation, accept their *dicta* as conclusive. We say *legal and lay;* for the

lay reader will make a sad mistake if he supposes that a Law Dictionary, especially *this* Law Dictionary, is out of "his line and measure." On the contrary, the Law Dictionary should stand on the same shelf with Sismondi's Italian Republics, Robertson's Charles the Fifth, Russell's Modern Europe, Guizot's Lectures, Hallam's Histories, Prescott's Ferdinand and Isabella, and the records of every country in which the influences of the canon law, the civil law, and the feudal law, separately or jointly, moulded society, and made men, manners, and customs what they were, and, to no small extent, what they still are.

In common with the profession on both sides of the water, Judge Bouvier had doubtless often experienced inconvenience from the absence of an Index to Matthew Bacon's New Abridgment of the Law. Not only was this defect an objection to that valuable compendium, but since the publication of the last edition there had been an accumulation of new matter which it was most desirable should be at the command of the law student, the practising lawyer, and the bench. In 1841 Judge Bouvier was solicited to prepare a new edition, and undertook the arduous task. The revised work was presented to the public in ten royal octavo volumes, dating from 1842 to 1846. With the exception of one volume, edited by Judge Randall, and a part of another, edited by Mr. Robert E. Peterson, Judge Bouvier's son-in-law, the whole of the labor, including the copious Index, fell upon the broad shoulders of Judge Bouvier.

This, the second American, was based upon the seventh English edition, prepared by Sir Henry Gwillim and Messrs. C. E. Dodd and William Blanshard, and published in eight royal octavos in 1832. In the first three volumes Bouvier confines his annotations to late American decisions; but in the remaining volumes he refers to recent English, as well as to American Reports. But this industrious scholar was to increase still further the obligations under which he had already laid the profession and the public. The preparation of a comprehensive yet systematic digest of American law had been for years a favorite object of contemplation to a mind which had long admired the analytical system of Pothier. Unwearied by

the daily returning duties of his office and the bench, and by the unceasing vigilance necessary to the incorporation into the text of his Law Dictionary of the results of recent trials and annual legislation, he laid the foundations of his "Institutes of American Law," and perseveringly added block upon block, until, in the summer of 1851, he had the satisfaction of looking upon a completed edifice. Lawyers who had hailed with satisfaction the success of his earlier labors, and those who had grown into reputation since the results of those labors were first given to the world, united their verdict in favor of this last work. Its design is so well defined by the author himself, that we prefer the quotation of his language to any statement of our own.

"Most lawyers have felt the want of a preliminary work to serve the young American student as a guide in the labyrinth of jurisprudence; as an instructor to give him a general view of the several parts of this judicial science, to mark the objects of each, and to point out the natural dependence which unites them; a work tending to establish a method which should be adopted in the study of the law, — to point out the numerous links of the chain which unites the ancient with the modern law, which binds the past with the present, and which by its nature must forever remain indestructible. A work which would thus elevate the science of the law in the sight of youth, and impress a character of unity upon it, would exercise a happy influence on the minds of the students, develop their moral and intellectual faculties, and be a blessing to them.

"But it is far less difficult to describe what the legal edifice should be, and to state what is required for its construction, than to select the materials of which it should be composed, and to make such a disposition of them in the building as would render the structure at once solid, elegant, and every way fitted for the purpose for which it is intended.

"On entering into his profession, the American student is discouraged by being obliged to study laws which are not his own, and which do not belong to the present age, except as matter of history. It requires an effort to read even the elegant 'Blackstone,' and, when studied, it must be forgotten, because the laws on which that author has so beautifully commented are not the laws the young aspirant seeks to know, — they are not those of his country. It is true, noble efforts have been made by American writers to explain our laws, and to them the profession must be greatly indebted; but the commen-

taries which have been so liberally bestowed are better adapted to the use of those who are already good lawyers, than to teach one who has everything to learn.

"The author cannot hope to have made a perfect work, and supplied in this respect all the deficiencies and the wants of the profession; his aim has been an approximation to what a work should be, which might in some degree deserve the title of *Institutes of American Law*. He has endeavored to reduce the whole to a strict method, and by a correct classification to impress upon the mind of the student the objects of his inquiry; for, 'What is well classified is half known.' It seemed to him that jurisprudence, as much as any other science, required this method; and while all kinds of human knowledge are now taught in this manner, the law should not be an exception.

"In the execution of his work, the author has spared no pains to classify his materials in the most natural manner; he has not followed any known plan, and it is possible that, with more talents and knowledge, he might greatly improve upon that which he has adopted. He hopes, however, that with a very full table of contents the reader will be at no great difficulty to comprehend it.

"While it has been his constant object to show what the law actually is, he has ventured not unfrequently to state what it was, and from what source it flows. Whenever a comparison could be made with advantage, the foreign laws within the reach of the author have been consulted, and their agreement or discord with our own pointed out. He has made free use of the Roman or Civil Law, whenever he found its principles applicable to our jurisprudence. . . . . .

"In laying down principles and rules, the author has been careful to give correct definitions, and when these rules are subject to exceptions, he has pointed them out in as clear and simple language as it has been in his power to employ. He has not thought it necessary to extend his researches into all the ramifications of the law, nor his inquiries into details which would confuse the reader without enlightening him. When there have been conflicting decisions, a reference has been made to authorities, to enable the student to examine the foundation upon which they rest. He has, however, shown the sources of the law, and traced the stream down to its current. His chief aim has been to point out its rules and maxims, as principal landmarks to the student, and to enable him, by keeping a constant eye upon these summits of the law, to pursue his onward course, without ever losing himself; for these rules, after having inspired the law, still remain with it, and in its midst, in some sort, as the lamp in the sanctuary, enlightening the parts where the law applies, and pointing out those which it cannot

reach. As this is intended as an American work, and for American lawyers, the principal positions laid down have been supported, whenever practicable, by reference to American authorities; and when there has been a difference in the several States of the Union, either in consequence of their statutory provisions, or the decisions of their courts, it has been pointed out and explained, whenever the subject was of sufficient importance to require it. Upon an examination, however, it will be found that English precedents have not been overlooked; on the contrary, they have been cited whenever they were important, or when American authorities could not be found applicable to the case." — Vol. I. pp. vii. – x.

Thus was this great work commended — by a simple statement of its design, and of the manner in which that design had been advanced toward its issue — to the consideration of a profession which, as we have already stated, speedily conferred upon it the seal of its unequivocal approbation. But of this approbation — with the exception of the warm attestations of Judge Taney and Professor Greenleaf, to whom early copies of the Institutes had been submitted — the author was to know nothing. Two months after his last work was given to the world, he was carried to "the house appointed for all living."

It is hardly necessary to remark, that it was only by a carefully adjusted apportionment of his hours that Judge Bouvier was enabled to accomplish so large an amount of intellectual labor, in addition to that "which came upon him daily," — the still beginning, never ending, often vexatious duties connected with private legal practice or judicial deliberation. He rose every morning at from four to five o'clock, and worked in his library until seven or eight; then left his home for his office (where, in the intervals of business, he was employed on his "Law Dictionary" or "The Institutes") or his seat on the bench, and after the labor of the day wrought in his library from five o'clock until an hour before midnight.

We can trace in a case like this the worth of systematic industry. It was the remark of Thomas Kerchever Arnold, the author or compiler of forty-five different publications, chiefly educational manuals, — "The list of my works is undoubtedly a very large one; but regular industry, with a careful division

of time and employments, carried on, with hardly an exception, for six days in every week, *will* accomplish a great deal in fifteen years."

It was well for the republic of letters that the great English lexicographer was pensioned so late in life; it would have been better if he had not been pensioned at all. And in this conjunction of dictionaries — Bouvier's and Johnson's — we are reminded that Scaliger devoutly gave thanks to the "Giver of every good and perfect gift" for dictionary-makers! Take courage, then, ye Stephenses, Grimms, Websters, Worcesters, Richardsons, Stuarts, Robinsons, and all ye "noble army of martyrs," who are sacrificing yourselves for the benefit of scholars of all ages! Ye "shall in no wise lose your reward," — the richest reward, the consciousness of having served all generations.

While animated by aims thus expansive, Judge Bouvier did not forget to provide for the intellectual improvement of his own household. Observing a remarkable aptitude for learning, and love of the acquisition of knowledge, in his only child, he encouraged the taste, and furnished the young student with the educational apparatus adapted to her special proclivities. How wisely he judged of these, and how faithfully the means of instruction were put to profitable use, may be inferred from Miss Bouvier's "Familiar Astronomy," a work which elicited the high commendation of Lord Rosse, Sir John F. W. Herschel, Sir David Brewster, Rear-Admiral W. H. Smyth, Drs. Lardner and Dick, Professors Airy, Hind, Nichol, Bond, De Morgan, and others of the most eminent astronomers in Great Britain and America.

Here we should bring our remarks to a conclusion; but there are words in the title-pages that preface this article, which, in these evil days of the republic, are provocative of saddened feeling, — "American Law," "The Laws of the United States of America"! Who now can pause upon these familiar words, without emotions such as heretofore we have known only, as students of history, for other ages and other nations?

Of the political and the politico-economical issues connected with the disruption of the American republic, much, but none

too much, has been heard in public and private. Be it then permitted to a conservative journal, which sprang to life under the ægis of a Constitution radiant with "the dew of its youth," — a journal which has for almost half a century rejoiced in the triumphs of that Constitution over the fears of the timid, the distrust of the jealous, and hostile assaults both at home and abroad, — be it permitted to us, before the fatal word which is to rend our constellation to fragments shall go forth, to utter a plea appropriate to our province, — a plea founded upon the literary memories of the past and the literary hopes of the future!

Within this republic of States, this *body* politic, there exists another republic, — its informing soul, — the republic of letters. It is a great and a glorious republic. To it belongs the story of our sufferings and our sacrifices, our trials and our triumphs, and of all the ways by which it pleased the Great Ruler of men to bring our fathers "through the fire and water" of an agonizing revolution, to a good and "wealthy place." And now shall the annals of our fathers, — of Washington, of the Adamses, Hancock, Rutledge, Marshall, the Pinckneys, and others of whom it seems we are fast proving ourselves not worthy, the "Books of our Law," the Commentaries of Kent and of Story, the historians, poets, and astronomers, — all those who have made us "a name and a praise on the earth," — shall all these be forgotten? Shall we, amidst our miserable disputings, make shipwreck of our richest treasures? Shall the enslaved of other lands, who, beholding our prosperity, have exclaimed, contrasting their condition with ours, "Surely this great nation is a wise and understanding people," return contentedly to their bonds, which at least have preserved them from anarchy, and bow submissively before rulers who, whatever their errors, do not take counsel from traitors, betray their countrymen to rebels, and connive at sedition? Shall we show ourselves so false to our fathers, and to our children, as tamely to resign the blessings bought by the sufferings and blood of the fathers, and designed for a perpetual inheritance, to the fears of the timid or the threats of the violent?

ART. V. — *The Life and Career of Major John André, Adjutant-General of the British Army in America.* By WINTHROP SARGENT. Boston: Ticknor and Fields. 1861. Small 8vo. pp. xiv. and 471.

THE author of this memoir is already favorably known as a diligent student of history, a candid critic, and an able and practised writer. Though he is still a young man, he has contributed much to periodical literature, and his name is also associated with one or two volumes published under his editorial supervision by the Historical Society of Pennsylvania. In the volume now before us, he furnishes additional evidence of the extent and variety of his information, and of the candid spirit in which he has conducted all his researches. His style is clear, animated, and rich in illustrations drawn from every department of elegant literature. His choice of a subject has been particularly fortunate, and he has wisely availed himself of the various advantages which it offers to a biographer. Notwithstanding the acquiescence of nearly all impartial writers in the justice of André's punishment, no one can retrace the sad story of his short and checkered life without feeling a strong sympathy with one so young, so accomplished, and so faithful to his own sense of right. We cannot, indeed, ignore the fact, that by all the rules of war his life was justly forfeited; but we know that his fate was deplored by Washington and the American officers whose duty it was to pass sentence on him, as well as by his personal friends and his associates in the pursuit of a common object. There was an attraction about his youthful appearance and his gentlemanly bearing which few could resist. "Never, perhaps, did any man suffer death with more justice, or deserve it less," Hamilton wrote to Laurens; and Washington himself left on record a similar declaration. As André "was more unfortunate than criminal," he wrote to the Count de Rochambeau, "and as there was much in his character to interest, while we yielded to the necessity of rigor, we could not but lament it."

In investigating the details of a story which, after the lapse of more than eighty years, still retains much of the interest

that André himself excited, Mr. Sargent has exhibited unwearied assiduity in collecting materials for its elucidation, and not a little discrimination in reconciling the conflicting statements of previous writers. "Every depository that could be heard of," he says in his Preface, "has been examined"; and a greater degree of success has rewarded his labors than might have been anticipated, if we take into view the shortness of André's life, and the thoroughness with which our Revolutionary annals had been explored. Still, as he frankly admits, he has not been able to add much to the scanty store of information respecting André's personal history, which was all that even his contemporaries possessed. We are sure, however, that no important fact has been overlooked, and on some connected topics Mr. Sargent has thrown new light. He has had access to several unpublished journals, numerous manuscript letters, and the unprinted annotations of Sir Henry Clinton in a copy of Stedman's History of the American War. From these and other sources he has constructed a narrative that is replete with interest, even when André himself is not the central figure on the page.*

The early history of John André is involved in much obscurity, and neither the date nor the place of his birth is known. Mr. Sargent inclines to think that he was born in 1751, and either in London or at Southampton; and though the evidence on which this opinion rests is not altogether satisfactory, it is not probable that any better evidence will be discovered. His father was engaged in mercantile pursuits, and his mother, who was left a widow just as her son was approaching manhood, appears to have been a woman of intelligence and good sense. After pursuing a course of elementary study in England, at Hackney or at Westminster, or perhaps at both places, he was sent to Geneva to complete his education. Here he is

* In the concluding chapter of his memoir Mr. Sargent presents some well-considered observations on the justice of André's sentence, together with a statement of the opinions of various English and American writers on this subject; but he has inadvertently fallen into an important error in ascribing to Lord Cornwallis the offensive language used by Mr. Ross, who edited the Correspondence of that remarkable man, and he has omitted to notice the opinion expressed by Mr. Massey, the latest English historian who has had occasion to speak of André. — See N. A. Review, No. 186, p. 118, and No. 189, p. 579.

said to have been an industrious student, and to have acquired great proficiency in mathematics and military drawing. On his return to England, when he was probably sixteen or seventeen years old, he entered his father's counting-room; but commerce had few attractions for him, and at times he felt strong doubts whether he should ever make a successful merchant. But at length he began "to look upon his future profession with great partiality." "I no longer see it in so disadvantageous a light," he wrote to a friend. "Instead of figuring a merchant as a middle-aged man, with a bob-wig, a rough beard, in snuff-colored clothes, grasping a guinea in his red hand, I conceive a comely young man, with a tolerable pig-tail, wielding a pen with all the noble fierceness of the Duke of Marlborough brandishing a truncheon upon a sign-post, surrounded with types and emblems, and canopied with cornucopias that disembogue their stores upon his head; Mercuries reclined upon bales of goods; Genii playing with pens, ink, and paper; while, in perspective, his gorgeous vessels, 'launched on the bosom of the silver Thames,' are wafting to distant lands the produce of this commercial nation."

This change in his feelings may be traced without doubt to an attachment which he formed, not long after his father's death, for a young lady of great personal attractions, Honora Sneyd, the adopted daughter of Mr. Thomas Seward. At the outset this attachment appears to have been reciprocated; and the first fruits of his pencil were two miniatures of Miss Sneyd, one of which he gave to her guardian's daughter, Miss Anna Seward, and the other he retained himself. But in consideration of the youth of the lovers, and of the inability of young André at that time to provide a suitable maintenance for a wife, both Mr. Seward and Mrs. André deemed it best that they should not enter into any engagements, and, as Mr. Sargent suggests, that "they should be kept apart as much as possible, trusting that time would either wean them from their attachment, or bring the means of gratifying it." For several months afterward a correspondence was kept up between them, through the medium of Miss Seward, and it is clear from some of André's letters which have been preserved that there was no want of affection on his part; but gradually the lady's ardor cooled,

and it was not long before she consented to receive the addresses of other suitors. Among these was Thomas Day, author of "Sandford and Merton"; but this gentleman had few personal attractions to recommend him as a lover, and the eccentricity of his character also contributed to the rejection of his proposals. Another and more successful admirer was Richard Lovell Edgeworth, also well known as an author, and above all as the father of Maria Edgeworth. He was then a widower of twenty-five or twenty-six, with an ample estate in Ireland, agreeable manners, and a cultivated mind; and under these circumstances it is not surprising that his suit prospered. On the 17th of July, 1773, Honora Sneyd became his second wife.

It is uncertain how far André's subsequent fortunes were affected by the issue of this affair. On the one hand, Mr. Sargent shows conclusively that he did not enter the army, as has sometimes been supposed, in consequence of Honora's marriage; but on the other hand, it is certain, from the whole tenor of his printed letters to Miss Seward, that his early disinclination for a mercantile life was overcome by the thought of Honora. "But oh! my dear Honora, it is for thy sake only I wish for wealth," he wrote in one letter; and in another he expressed himself even more strongly: "When an impertinent consciousness whispers in my ear that I am not of the right stuff for a merchant, I draw my Honora's picture from my bosom, and the sight of that dear talisman so inspirits my industry that no toil appears oppressive." It is natural therefore to conclude, that, when he lost this incentive to action by the discovery that he no longer possessed her undivided affections, his early taste for the army revived, and he relinquished all hope of attaining wealth by means of an uncongenial profession. If he had married, it is scarcely probable that he would ever have entered the army; and, though he took this important step a year or two before Honora's marriage with Mr. Edgeworth, we entertain no doubt that his action in this respect was influenced almost entirely by the failure of his own suit, — in other words, that he entered the army because he had been crossed in love.

The authorities differ in regard to the precise date when he determined to adopt a military life; but we regard this discrepancy as of little importance, since the earlier of the two dates

assigned for his entrance into the army was nearly coincident with Mr. Day's offer of marriage, and there is no reason to suppose that André at that time anticipated a successful issue of his own suit, or that he was ignorant of the actual state of Miss Sneyd's feelings toward him. It was under these circumstances, as we are inclined to think, that André entered the army, in March, 1771, according to the statement of Mr. Edgeworth, or in the following January, according to another account, which seems to be equally trustworthy. A few months afterward he went over to Germany, but for what purpose is unknown; and it was not until the latter part of 1773 that he returned to England. During this interval he visited most of the German courts, and probably took measures to perfect himself in those parts of his professional education which he could not so well pursue at home. In the following year he embarked for America, in order to join his regiment, which was then stationed in Canada, and in September he landed at Philadelphia. From that city he proceeded, by way of New York and Boston, to his place of destination.

The first important service in which he was engaged after his arrival in Canada was as quartermaster of the seventh regiment, a part of which was stationed at St. John's, one of the principal military posts on the line of communication between Montreal and New York. Hostilities had already broken out between the mother country and the Colonies, and about the middle of September, 1775, the fort was invested by a considerable body of Americans, under command of General Montgomery. Owing to the want of discipline and a deficiency of ammunition in the attacking army, the siege progressed very slowly, and it was not until the 2d of November that the garrison capitulated. André was among the prisoners of war. "I have been taken prisoner by the Americans," he wrote to a friend in England, "and stripped of everything except the picture of Honora, which I concealed in my mouth. Preserving that, I yet think myself fortunate." While a prisoner he was detained in Pennsylvania, principally at Lancaster and Carlisle, where he gained many friends, by his amiable and unobtrusive manners, and by his readiness to contribute to the amusement and instruction of those with whom he was brought in contact.

Mr. Sargent prints for the first time several letters addressed to Caleb Cope, a Quaker and a loyalist, in which this trait is exhibited in a very pleasing light. Cope's son was a boy of good parts, with a decided taste for drawing, and André soon became much interested in him. The correspondence appears to have been begun with a letter from André, which is so creditable both to his head and his heart that we should scarcely do justice to either if we did not copy it at length: —

"Sir: — You wou'd have heard from me ere this Time had I not wish'd to be able to give you some encouragement to send my young Friend John to Carlisle. My desire was to find a Lodging where I cou'd have him with me, and some quiet honest family of Friends or others where he might have boarded, as it wou'd not have been so proper for him to live with a Mess of officers. I have been able to find neither and am myself still in a Tavern. The people here are no more willing to harbour us, than those of Lancaster were at our first coming there. If, however, you can resolve to let him come here, I believe Mr. Despard and I can make him up a bed in a Lodging we have in view, where there will be room enough. He will be the greatest part of the day with us, employ'd in the few things I am able to instruct him in. In the mean while I may get better acquainted with the Town, and provide for his board. With regard to Expence this is to be attended with none to you. A little assiduity and friendship is all I ask in my young friend in return for my good-will to be of service to him in a way of improving the Talents Nature hath given him. I shall give all my attention to his morals, and, as I believe him well dispos'd, I trust he will acquire no bad habits here. Mr. Despard joins with me in compliments to yourself, Mrs. Cope, and Family. I am, Sir, your most humble servant.

"John André.

"*Carlisle, April the* 3*d*, 1776."

For some reason André's proposal was not accepted; and in a subsequent letter he says: "I cannot regret that you did not send your son hither. We have been submitted to alarms and jealousies which would have rendered his stay here very disagreeable to him, and I would not willingly see any person suffer on our account." He continued, however, to take a warm interest in the boy's progress, and nearly every letter contains some reference to the subject.

Toward the close of the year an exchange of prisoners was

effected, and André regained his liberty. He repaired at once to New York with the remnant of his regiment, and was soon afterward raised to a captaincy, probably in consequence of the ability displayed in a memoir on the war, which he drew up and presented to the Commander-in-Chief. Early in the summer of 1777 he was appointed aide-de-camp to Major General Grey, a bold and enterprising officer, whose fame, however, has been eclipsed by the more peaceful renown of his son, Earl Grey. In this capacity André accompanied Sir William Howe's expedition to Philadelphia, and was present at the battle of the Brandywine, and also at the battle of Germantown.

At that time Philadelphia was the largest and most elegant city in America, though it was confined to a narrow strip of territory along the western bank of the Delaware River, and numbered but little more than twenty thousand inhabitants. Many of the citizens were royalists, and the possession of so important a place must have proved a fatal blow to the American cause, if Howe had been fit for the position assigned to him. But he exhibited even more than the usual fatuity of an English general in the American war, and, instead of profiting by his slowly gained advantages, he suffered the autumn and winter to pass in idleness. If we except the successful attacks on the American works at Mud Island and Red Bank, no important enterprise was undertaken by the English during their protracted sojourn in Philadelphia. While our troops were experiencing the untold horrors of the encampment at Valley Forge, the English army were amusing themselves with weekly balls, theatrical exhibitions, cock-fights, and other pastimes. In these festivities André took an active part, and he appears to have been a special favorite with the ladies. He was both scene-painter and actor at the theatre opened by the English officers; and some of his scenery is said to have been remarkably well painted; but of the character of his acting we have no account. Mr. Sargent tells us that "there is much reason for attributing" to him both the authorship and the recitation of the Prologue on the opening of the theatre.

"Once more, ambitious of theatric glory,
Howe's strolling company appears before ye.

O'er hills and dales and bogs, through wind and weather,
And many hair-breadth 'scape, we 've scrambled hither.
For we, true vagrants of the Thespian race,
Whilst summer lasts ne'er know a settled place."

The first performance was given on the 26th of January, and plays were occasionally acted until the 19th of May, when the season closed with the once famous tragedy of Douglas.

But the most remarkable entertainment in which André participated while in Philadelphia was the Mischianza, as it was called, a curious medley arranged by the officers of the army as a compliment to Sir William Howe on the occasion of his return to England. In the Gentleman's Magazine for August, 1778, is a letter from André to a friend in England, giving a minute account of this exhibition, which the writer described as "the most splendid entertainment, I believe, ever given by an army to their general." The festivities thus commemorated occurred on the 18th of May, 1778, and were celebrated partly on the river and partly at an elegant country-seat near the place where the navy-yard is now located. They consisted of a regatta, a tournament, a ball, and a grand supper, and began as early as half past four in the afternoon. André designed the costumes for the principal ladies, was himself one of the knights in the tournament, and took a very active part in all the preliminary arrangements. The entertainment commenced with a naval procession, arranged in three divisions, each composed of a galley gayly decked with flags, and of ten flat-boats, lined with green cloth, and filled with officers and ladies. In the central galley were Sir William Howe, his brother, Admiral Howe, and Sir Henry Clinton; and in front of the whole were three flat-boats with a band of music in each. Thus arranged, the boats rowed slowly down the river, keeping time to the music, until the tide became too strong for the galleys, when they were exchanged for smaller boats. On landing, the company formed in procession and marched to the lawn in front of the house, through an avenue lined with grenadiers and light-horse. The lawn had been arranged as a tilting-ground, and was also lined with troops and ornamented with triumphal arches. On each side of the first arch were pavilions, with seats rising tier above

tier, and filled with ladies. "On the front seat of each pavilion," André wrote in the letter already referred to, "were placed seven of the principal young ladies of the country, dressed in Turkish habits, and wearing in their turbans the favors with which they meant to reward the several knights who were to contend in their honor." The company were scarcely arranged when a herald appeared, preceded by four trumpeters, and accompanied by the seven "Knights of the Blended Rose," habited in white and red silk, "and mounted on gray horses, richly caparisoned in trappings of the same colors." André appeared as one of these knights, in honor of Miss P. Chew, — his device being "two game-cocks fighting," and his motto, "No Rival." After they had made the circuit of the square, the herald proclaimed his challenge, and the "Knights of the Burning Mountain" entered the lists, on black horses, and habited in black and orange silk. A furious encounter then ensued, which was at length closed by an intimation on the part of the ladies that they "were perfectly satisfied with the proofs of love, and the signal feats of valor given by their respective knights." From the tilting-ground the whole company proceeded to the house, where they regaled themselves with tea, lemonade, and other liquors, while the knights knelt and received their favors from the ladies. Shortly afterward the ball was opened by the knights; and at ten o'clock a grand display of fireworks was given. Supper was served at twelve, and the dancing was continued until four o'clock in the morning. In reading the account of this inglorious exhibition, it seems almost incredible that any officer who respected his own character or the character of the English army should have consented to accept such an ovation, or to be in any way connected with it, especially in a time of war, and while almost in presence of a hostile camp. "At the time of this silken and mock-heroic display," Mr. Irving remarks, "the number of British chivalry in Philadelphia was 19,530, cooped up in a manner by an American force at Valley Forge, amounting, according to official returns, to 11,800 men. Could any triumphal pageant be more ill-placed and ill-timed!"

Six days afterward Sir William embarked for England, and

immediate preparations were made by his successor for evacuating the city, without striking a blow. On the night of the 17th of June the troops left their quarters and went into camp; and on the 19th, Sir Henry Clinton began his retreat to New York. By his own judicious arrangements, and in consequence of Lee's misconduct at Monmouth, he was enabled to reach his place of destination with but little loss. On the 5th of July his army encamped on Staten Island. How André was employed during the rest of the summer does not appear; but in September he accompanied Major-General Grey in the expedition against New Bedford, and was sent back as bearer of despatches to Sir Henry Clinton. His next employment in the field was in the night attack on Tappan, a little village on the Hackensack River, famous as the scene of his execution a few months afterward; and on the return of General Grey to England he was appointed aide-de-camp to Sir Henry Clinton, with the provincial rank of major.

Not long afterward the army went into winter quarters, and New York soon became as gay and dissipated as Philadelphia had been. A theatre was opened, and many of the officers, including André, De Lancy, and other conspicuous persons, took part in the performances. André was also a frequent contributor to the columns of Rivington's Gazette. But the winter was chiefly memorable for the commencement of an intrigue which resulted in the treason of Arnold. Early in the year, that officer, pretending to be dissatisfied with much of the recent action of Congress, seized an opportunity to open a secret correspondence, under the feigned signature of Gustavus, with Clinton, who at once turned the subject over to André. The latter replied to Arnold's letter, under the signature of John Anderson, a name which seems to have been adopted quite as much for the purpose of indicating as of concealing the real character of the writer. An active correspondence ensued, and various arguments were skilfully adduced to persuade Gustavus to forsake the cause which he had espoused, and to follow the course pursued by Monk at the Restoration.

It is uncertain when the English first became aware of the real name of their unknown correspondent; but it is probable

that their suspicions were early aroused by the character of the information received from him, and it has been generally believed that André carried on a correspondence with Mrs. Arnold simultaneously with this intrigue. Mr. Sargent, however, thinks that only one letter passed between them; and to this he attaches very little importance, though it is scarcely probable that an officer of high rank in the English army should have written to the wife of an American general merely for the purpose of offering his services in the purchase of articles of millinery. Notwithstanding André had been acquainted with the family of Arnold's wife during the occupation of Philadelphia, we can only regard this letter as a lure. It is not necessary to suppose that Mrs. Arnold was at that time cognizant of her husband's intentions, though this is by no means improbable; but there can be little doubt that André's letter was written in the expectation that it would be shown to Arnold. It was as follows: —

"Head-Quarters, New York, the 16th *Aug.* 1779.

"Madame. — Major Giles is so good as to take charge of this letter, which is meant to solicit your remembrance, and to assure you that my respect for you, and the fair circle in which I had the honour of becoming acquainted with you, remains unimpaired by distance or political broils. It would make me very happy to become useful to you here. You know the Mesquianza made me a complete milliner. Should you not have received supplies for your fullest equipment from that department, I shall be glad to enter into the whole detail of cap-wire, needles, gauze, &c., and, to the best of my abilities, render you in these trifles services from which I hope you would infer a zeal to be further employed. I beg you would present my best respects to your sisters, to the Miss Chews, and to Mrs. Shippen and Mrs. Chew. I have the honour to be, with the greatest regard, Madam, your most obedient and most humble servant,

"John André."

During the greater part of this year, Sir Henry Clinton remained inactive in New York, and though various predatory expeditions were set on foot, André does not appear to have been engaged in active service, except at the attack on the American works at Verplanck's Point. On the dismissal of Lord Rawdon from the office of Adjutant-General, André be-

came his successor; and in that capacity he accompanied the expedition which sailed, at the end of December, against Charleston. So many delays, however, occurred in the movements of both the fleet and the army, that it was not until the 1st of April that the troops were able to break ground before the city. The siege was conducted with much energy on both sides, and, after a protracted defence, the American commander, General Lincoln, was forced to surrender, on the 11th of May. Shortly after the capitulation André returned to New York. In connection with his account of the fall of this important position, Mr. Sargent refers to a story, which has sometimes gained credence in this country, that during the siege André was repeatedly present within the American lines as a spy; but he does not express any positive opinion on the question of its truth or falsehood. Not only, however, is the story in itself intrinsically improbable, but the evidence on which it rests is altogether insufficient. Only two persons are mentioned as having stated that they saw André within the American lines; and on a question of identity the testimony of so small a number of witnesses must always be received with extreme distrust. Moreover, these men were not familiar with André's features, and they were therefore especially liable to be deceived on such a point. One of them, indeed, never saw André, except on an occasion when he is said to have been disguised as a cattle-driver; and it was not until several months afterward that he was told that the pretended cattle-driver was in fact the Major André who had recently been hanged as a spy.

After André's return to New York the correspondence with Arnold was renewed with fresh vigor, and it soon became apparent that a personal interview of the parties was all that was needed to complete the negotiations. Meanwhile, as the former had few military duties to perform, he employed his pen in lampooning the American generals, and during the summer he contributed "The Cow Chase" to Rivington's Gazette. This famous satire is in three cantos, and contains some spirited lines and not a few specimens of genuine humor, though for the most part its tone is coarse, and its versification is rough and unpolished. It has been often reprinted, and is given at

length by Mr. Sargent, with numerous illustrative notes, beside those appended to the early editions.

Immediately after the completion of the third canto of this satirical ballad, André left New York on his fatal errand to meet Arnold. The circumstances connected with this part of André's life are so well known to every reader of American history, that a very brief summary of them will be sufficient for our purpose. They form one of the most important episodes in the history of the Revolution, and have been traced with great fulness of detail and accuracy of statement by Sparks and Irving. Mr. Sargent's account is still more minute and elaborate, and deserves special commendation for its candor and impartiality. The outline of this familiar story may be given, however, in very few words. An unsuccessful attempt to effect an interview between Arnold and André at Dobbs's Ferry had already been made, and had failed only in consequence of the firing of an English sloop-of-war, the Vulture, on Arnold's barge, while he was on the way to the place of meeting. On the 20th of September, a little more than a week after the failure of this attempt, André again left New York in the hope of meeting Arnold, and the same night went on board of the Vulture, then lying in Haverstraw Bay. In the course of the following day he found means to communicate with Arnold, who about midnight sent a boat with muffled oars to bring off the English agent. André readily accepted the proffered conveyance, and, landing at the Long Clove under an assumed name, proceeded at once to hold a secret conference with Arnold. It is probable that, before their negotiations were completed, the approach of dawn compelled him to postpone his return to the vessel; and during the day he remained concealed within the American lines. After breakfasting at the house of Joshua H. Smith, who had been employed to bring André on shore, the two officers repaired to an upper room, where they held another long and secret interview. We are ignorant what arguments were urged by these negotiators in settling the terms of their bargain, but they produced the desired effect, and it is not difficult to form a pretty clear idea of the plan of operations by which Arnold's treason was to be consummated. Before ten o'clock the arrangements

were definitely settled, and the American general set off for head-quarters, having first placed in André's hands several important papers relative to the condition of the works at West Point and to the number of men then in garrison. The same afternoon André started on his return to New York by land, in disguise, and with the papers received from Arnold concealed in his stockings. He encountered few obstacles on his journey until he had nearly reached Tarrytown, when he was stopped by a party of three Americans, who searched him and speedily discovered the evidence of his recent interview with Arnold. Satisfied that he was a spy, they at once carried him to the nearest post, and delivered him up to the commanding officer.

As soon as Arnold was informed of what had occurred, he made his escape on board of the Vulture, and was conveyed to New York. Meanwhile Washington was returning with his suite from a visit to Connecticut; and he reached West Point only a few hours after Arnold's flight. By his orders André was brought up to head-quarters the same evening. "I would not wish Mr. André to be treated with insult," he wrote to Lieutenant-Colonel Jameson; "but he does not appear to stand on the footing of a common prisoner of war, and therefore he is not entitled to the usual indulgences which they receive, and is to be most closely and narrowly watched." No examination of the case appears to have been made at this time, and two days afterward André was sent to Tappan to await the action of a Court of Inquiry. On the 29th of September a Board of General Officers was convened there, consisting of fourteen members, under the presidency of Nathanael Greene, next to Washington the greatest of our Revolutionary generals, and including among the number Stirling, Lafayette, Steuben, Clinton, Knox, and Glover. After a careful consideration of the subject and a personal examination of André, they unanimously reported the following facts and opinion: —

"First, That he came on shore from the Vulture sloop-of-war, in the night of the 21st of September inst., on an interview with General Arnold, in a private and secret manner.

"Secondly, That he changed his dress within our lines, and under a feigned name, and in a disguised habit, passed our works at Stony and

Verplanck's Points the evening of the 22d of September inst., and was taken the morning of the 23d of September inst. at Tarrytown, in a disguised habit, being then on his way to New York, and, when taken, he had in his possession several papers, which contained intelligence for the enemy.

"The Board, having maturely considered these facts, do also report to his Excellency General Washington, that Major André, Adjutant-General to the British army, ought to be considered as a spy from the enemy; and that, agreeable to the law and usage of nations, it is their opinion he ought to suffer death."

This opinion was approved by Washington on the following day, and the execution was appointed to take place at five o'clock in the afternoon of the 1st of October. Meanwhile strenuous exertions were made by the English to procure his release; and on the very day appointed for his execution a messenger arrived from Sir Henry Clinton with a letter for Washington, setting forth that, in the opinion of the writer, the latter could not have been rightly "informed of all the circumstances on which a judgment ought to be formed," and announcing his intention to send Lieutenant-General Robinson, Lieutenant-Governor Elliot, and Chief Justice Smith to give to him a true statement of the facts, and to declare the writer's sentiments and resolutions. In deference to Clinton's request, and perhaps in the hope that Arnold might be captured or surrendered, André was respited until the following day, and General Greene was deputed to meet Robinson, who alone was permitted to land. Accordingly an interview took place between them, but without producing any result; and at the appointed hour on Tuesday, October 2, 1780, the sentence of the court was executed. André had applied to be shot, as a mode of punishment less revolting to the feelings of a man of honor than that ordinarily adopted; but motives of policy imperatively required that no change should be made, and no answer was returned to his application. About noon he was hanged as a spy in the presence of the whole army. Thus died, in the flower of his youth, one of the most promising officers in the English army, who under happier circumstances might have risen to the first rank in his profession, and have left an unspotted name. "To an excellent understanding," says Ham-

ilton, who was much attracted toward him, "well improved by education and travel, he united a peculiar elegance of mind and manners, and the advantage of a pleasing person. 'T is said he possessed a pretty taste for the fine arts, and had himself attained some proficiency in poetry, music, and painting. His knowledge appeared without ostentation, and embellished by a diffidence that rarely accompanies so many talents and accomplishments; which left you to suppose more than appeared. His sentiments were elevated, and inspired esteem: they had a softness that conciliated affection. His elocution was handsome, his address easy, polite, and insinuating."

Forty-one years after the execution of André, his body was disinterred, and removed to England, to find its last resting-place beneath the arches of that venerable Abbey where are laid the mortal remains of so many kings and warriors, orators and poets, statesmen and scholars, of nearly every generation since the Conquest, — a mightier company than is gathered anywhere else on earth. He is buried in the south aisle; and not far off is the mural monument erected to his memory by George III. to commemorate both his virtues and the circumstances of his death.

The justice of André's sentence has often been impugned by English writers, and the mode of its execution has also been condemned. But the difficulties of the case are in truth very small, and the tendency of opinion among the best-informed writers in England is now strongly toward acquiescence in the American view. Neither the character of the persons by whom he was arrested, the possession of a safe-conduct signed by Arnold, nor the question whether he landed under cover of a flag of truce, has any material bearing on the subject. A flag of truce cannot be prostituted for a purpose utterly at variance with the character of such a flag; nor can a safe-conduct issued in the prosecution of a treasonable design clothe its possessor with any immunity. No case, indeed, exactly like that of André, so far as we know, had previously arisen in the history of war; but the principles by which it was to be decided were simple and of easy application, and beside André's own confession there was abundant evidence as to the true character of his mission.

Apart from the infamy which attaches to the business of a spy, no stain rests on his memory. He was warm-hearted, generous, and affectionate in the relations of private life, and no man had more devoted friends. His early manhood was clouded by disappointed hopes; but after he joined the army he seems to have recovered the natural elasticity of his spirits, and he entered warmly into the various amusements by which the English troops in America enlivened the tedium of garrison duty. His parts were originally good, and they were probably better cultivated than those of most of his associates. His letters are in general written with ease and dignity; his poetry is not without merit; and his pen-and-ink sketches and other drawings are creditable alike to his skill and to his taste in such matters.

Art. VI. — 1. *Essai sur Tite Live.* Par H. Taine, ancien Élève de l'Ecole Normale, Docteur ès Lettres. Ouvrage couronné par l'Académie Française. Deuxième Edition. 1 vol. 12mo.

2. *Les Philosophes Français du XIX^e^ Siècle.* Par H. Taine. Deuxième Edition. 1 vol. 12mo.

3. *Essais de Critique et d'Histoire.* Par H. Taine. Deuxième Edition. 1 vol. 12mo.

4. *La Fontaine et ses Fables.* Par H. Taine. Troisième Edition. 1 vol. 12mo. 1861.

The French press is still noted for the impartiality, soundness, and originality of its literary criticism. It has always been one of the leading habits of the Paris periodicals to open their columns to elaborate essays, often the first efforts of men destined in after life to occupy the highest rank in the science and politics of their country. Some papers, such as *Le Pays* and *La Presse*, publish weekly flippant and superficial articles; but others, among which *Les Débats* occupies a prominent place, invariably print critical notices which vie in importance with the most finished dissertations to be found

in the leading European Reviews. Sacy, Franck, Renan, Laboulaye, Saint-Marc Girardin, and a score of others, all well known by literary labors of considerable merit, frequently grace the columns of that celebrated journal with highly wrought criticisms. The result of a course so wise and so liberal is to bring forth articles destined to survive the ephemeral existence of the papers in which they were originally inserted, and to obtain the honor — so dear to a French critic — of being preserved in the lasting form of octavos.

It is not our present purpose to speak of those who, like Sainte-Beuve, Janin, and T. Gautier, have long been known and appreciated wherever the French language is spoken or read; but of a new generation of essayists, already exercising a controlling influence, and evidently destined to occupy the first place among the master-spirits of their national literature. The fact is, that France at this moment can boast of a number of young men highly gifted, thoroughly educated, and eager to attain the position to which their talents and patriotism fully entitle them. Their efforts and principles deserve to be more generally known; and, unable to speak here of them all, we select one, H. Taine, as a type worthy of study and analysis.

M. Hippolyte Taine is a man of about thirty years of age, a native of the department of the Ardennes, a graduate of the Normal School, and at present one of the literary editors of *Les Débats*. He was altogether unknown, save by his having gained the highest honors in the gift of the University, when in 1853 the French Academy, having offered a prize for an essay on the genius of Livy, our youthful licentiate entered the lists, and obtained the coveted palm with great credit to himself and to the celebrated institution of which he had been for several years one of the most brilliant pupils.

His works consist, besides the above prize essay, of two theses, one of which, on La Fontaine's Fables, has since been enlarged, and several times published in a book form; a series of elaborate essays on Addison, Macaulay, Thackeray, Dickens, Carlyle, Michelet, and Guizot, originally inserted in *Les Débats*, and reprinted under the title of *Essais de Critique et d'Histoire;* a Journey to the Pyrenees; and, finally, a

scorching, witty, and analytical review of the doctrines taught by Royer-Collard, Cousin, and Jouffroy, which, under the name of *Les Philosophes Français du XIX^e^ Siècle*, created a sensation still deeply felt among the numerous disciples of the eclectic school.

The excellences of our author consist in his style and method; — the one clear, forcible, and concise; the other analytical in form, though somewhat hypothetic in fact, bold, novel, and striking. Divesting the method of a certain phraseology, often unavoidable when discussing abstruse subjects and semi-Hegelian doctrines, we will endeavor to abridge and explain its leading features.

While analyzing any group of human events, we find that all its parts depend on one another. Thus, throughout the same age or era, — for instance, that of Pericles, Augustus, or Louis XIV., — the religion, philosophy, arts, form of government, public manners, and social relations are so closely connected, that the impairing of one of necessity impairs the rest. So too with men. Take a poet, Homer, Shakespeare, or La Fontaine; an historian, Thucydides, Livy, or Gregoire de Tours; a philosopher, Plato, Bacon, or Descartes, — his style, opinions, morals, tendencies, and starting so depend on those of his coevals, that, were you to transform any one of the group, the rest would have to be modified likewise. Whence this irresistible mutual dependence? If you decompose all the parts of a literary whole, you discover that they arise from, and are governed by, a limited number of forces, often by one only, which maintains the harmony and union of the group. Throughout the same historical period, philosophy, arts, and the state receive their leading characteristics from some ruling and paramount faculty. They "all bear the impress of the same stamp." Thus, to know what man is, we must not "collect scattered waves, but reach the source. It does not matter whether this or that wave was formed and fed by innumerable and distant springs; we must ascertain the direction and force of the current, and feel the impulse which impels it." In simpler words, to know an object consists in knowing its cause, and following it through its multifarious effects.

The leading features of all historical events, then, spring

from a primitive formula, which points to a universal force always present, ever acting, ruling, supreme. It is that force alone which should command the attention of the philosopher. The aim of history therefore is, while eschewing the multitude of details which too often clog the way, to reach the ruling force, to ascertain its formulas, to determine the necessities which cause their mutual dependence, and finally to unfold the hereditary types and primitive condition of things.

Applied to particulars, this ambitious doctrine gives rise to questions which have not yet been solved. Can we sum up all individualities, all talents, all capacities, within a mere formula? Can we use exact methods in our appreciation and criticism? Do the faculties of a man, like the several organs of a plant, really depend on one another, and were they created by a law sole and universal? Granted that there is such a law, can we calculate its force and vitality, or foresee its good and evil effects? Do we possess a ruling faculty, the uniform action of which imparts a necessary system of motions which philosophy may foretell and analyze?

To all these questions M. Taine unhesitatingly answers in the affirmative. Many opponents of note give a negative reply. We can only hope that time, thought, and experience may sustain every one of our author's assertions. But, in the present state of our knowledge, we do not feel disposed to indorse doctrines so bold, subversive, and revolutionary. Our reasons are as follows.

The mutual dependence and close connection which form the basis of M. Taine's system undoubtedly exist in the physical world, and every discovery in science adds new evidences of necessary relations. But when endeavoring to carry the analogy into a new field, and to apply similar rules to the mysterious workings of the intellect, aspirations, and destiny of man, we find that they yield no such satisfactory results. There is too much individuality, the dissimilarity of primitive types is too great, the consequences are too various and uncertain, even with original conditions wholly similar, to admit of the application of dogmatic formulas to the inner workings and decisive actions of men. We fail to perceive in the individual history of a poet, artist, or statesman rules and ulti-

mate effects which are entirely and necessarily reproduced or reflected in the workings of the state, and *vice versa*. No analytical historian, no critic, has yet succeeded in giving absolute rules, deduced from positive examples, which could enable us to unlock and unfold the necessary principles of action of any representative man or era in their universality, Vico, Herder, and Hegel not excepted. It is no argument to say that in such matters the proofs cannot be of such a positive and absolute nature as to exact the assent or conviction of all. If you adopt mathematical reasonings, give mathematical conclusions. There are facts in the domain of abstract truth which no one can deny; and it is no unreasonable presumption to require evidences adequate to the subject, and possessing the same degree of clearness which we find in matters equally abstruse and difficult. Nor should we forget that M. Taine claims to have discovered a method wholly algebraical, and a sort of philosophical geometry, of which the high-sounding principles, severally named *abstraction*, *hypothesis*, and *verification*, form the magic key.

Yet, if we believe in the science of history as now taught and expounded, — in that science which aims at unfolding the laws of the social and political world, exhibiting, through the medium of historical similitudes, a progressive march toward a necessary end, as yet unknown to us, but believed to be within our reach, — we cannot entirely disprove in men what so many concede to states, however large or however insignificant. But can we admit with M. Taine — and it is not the most serious objection — that "the forces which govern men are similar to those which govern nature," without granting likewise that a succession of necessities governs both the moral and physical worlds? Can we repeat with our author, after Condillac, that the nature of a being consists only in a group of distinct abstractions, embodied in systematic combinations and relations of facts, without destroying a belief, universal and overwhelming, in the substantial reality of all beings?

M. Taine's repeated efforts in the field of British literature claim at our hands a slight digression from his metaphysics to literary criticism. It is rarely given to French critics to review the works of an English author with skill and impartial-

ity. Whatever they may say to the contrary, it is evident that a large majority of them can never be made to feel the force of the Anglo-Saxon, and perceive all the excellences of the British writers. So far as ideas alone are concerned, they indeed see a vast deal in our poems, plays, and essays, but not everything, and they often add notions of their own to many passages which to us bear a very different interpretation. The fact is, that it requires not only a constant study, but large experience of life in England or America, to become pervaded with the spirit which prompts and vivifies all our original productions in prose and in verse. Now, how few Frenchmen have dwelt long enough in England or America, paid the requisite attention to the characteristics of our race, or sufficiently studied our literary history in its origin and developments, to perceive in a work truly and solely English that which constitutes its chief merits! The naked facts and general ideas, the form and method, are certainly within the reach of any foreign critic; for these may exist in his language as well as in our own, and are among the constituent parts of the intellect in its universality; but when a Paris reviewer, with the help of heavy dictionaries always at his elbow, or a flying trip to London in a *train de plaisir*, imagines that he may acquire the language, master the peculiarities, and share the *animus* of our writers of poetry and fiction, he commits a grave error.

There are exceptions. We consider M. Villemain's essays on Pope, Byron, and others, as complete as any ever written in England. That learned and eloquent man seems to possess the instinct to mark with unerring accuracy the leading traits and absolute merits of our authors, but he stands alone in the array of reviewers who for the last fifty years have endeavored to initiate the French public into the manifold beauties of our Anglo-Saxon literature. Why is this? We are not aware that he ever lived in England. M. Philarète Chasles, on the other hand, spent seven years in Oxford; he is at present, and has been for a long time, the Lecturer on English Literature in the celebrated College of France; and yet there is not a single chapter in the seven huge volumes which he has written on the British and American authors which any of us could read with pleasure or profit.

M. Taine, who is evidently drifting toward a specialty, has been more successful in his attempts at describing to the readers of the *Débats* the characteristics of our first novelists and historians. English literature seems to him a rich and promising mine, as yet unworked. Eager to carve out for himself a reputation based upon original researches, he evinces in his later articles marks of close study and of a certain insight into the peculiarities of men and manners in England. That he analyzes the modern authors, as yet, with more enthusiasm than accuracy, and favors Dickens and Thackeray with classifications, divisions, subdivisions, and finicalities of which they never dreamed, does not admit of a doubt. He may also be charged with giving vent to an admiration so continuous and so overwhelming, when commenting upon writers who are merely clever and interesting, that the reader is often tempted to ask where our critic will find adequate words and exclamations when obliged to speak of Shakespeare and Milton. This unlimited disposition to praise and admire is often the result of a first acquaintance with foreign authors. We feel so glad, so proud, to read, in the original, works which we knew merely through imperfect translations, that we do not stop to reflect, and to analyze our early impressions. It is only after a few years of constant practice, when familiar with the new order of thought and of forms which break upon us while reading Dante in Italian, Corneille in French, or Schiller in German, that our judgment may be said to acquire the requisite soberness. Until then we should be chary of imparting to a benevolent public opinions generally transient and superficial.

We do not know what advantages M. Taine may have enjoyed in studying Carlyle and Macaulay; but candor prompts us to say that his reviews of those two authors are not calculated to alter the opinion already formed by most English readers. The racy style, striking form, and grandiloquent encomiums which are the leading features in his essays may please, but fail to instruct. An entire History of English Literature, which we understand our critic is engaged in preparing for the press, should be so written as to prove useful not only to French readers, but also to the English, who are after all the best judges of such matters. Now, how few of

the foreign comments on Hamlet or Cymbeline, Hudibras or the Rape of the Lock, can bear a translation!

In his last article on Mill's Logic, published only a few weeks ago in *La Revue des Deux Mondes*, we discern a decided improvement, which may be attributed to the subject, — Logic, M. Taine's constant study, the object of his love and admiration, the ideal which he sees or inserts in all things. There, in the midst of those attenuated processes of reasoning, he breathes freely, feels his strength, expounds and teaches with zest and success. It is really interesting to see how faithfully he dissects the work of the great English logician, and with what consummate skill he simplifies and abridges the most fugitive thoughts to be found in the whole range of human abstractions. The dialogue form, that faint echo of the thorough analyses of Plato, for which the Paris Normal School has always been noted, is made to play an important part in this, as well as in most of M. Taine's later essays. No reader can forget the striking, lively, though one-sided dialogues between Peter and Paul, in his exposition of the modern French philosophers. Yet it is not every subject which admits of such a rapid succession of questions and replies; and when too often repeated, it never fails to impart a certain sameness which justly fatigues the reader.

It is due to M. Taine to say, that he is not only an imaginative, although analytical writer, but a critic of great scientific attainments and erudition. He exhibits at all times a knowledge of history in its philosophy, and of philosophy in its history, which can be the growth only of deep and extensive research. Whether he defines the salient characteristics of Livy or Machiavelli, Cousin or Jouffroy, the reader perceives that page after page teems with sound inferences, and with criticisms terse and true. His comprehensive surveys and deductions manifest intellectual power of the highest order, fully evolved and methodically trained. Disdaining the details of a precise or technical erudition, he is ever in search of ruling and universal principles, susceptible of scientific verification. He may occasionally mistake preconceived notions for the logical results of a careful investigation; his hypotheses sometimes dictate the expected consequences; but his earnest-

ness is so great that, even when sporting with logical forms, every word tells, every assertion leaves an indelible mark. His forms are sometimes abrupt, his assertions always dogmatical, his illustrations familiar. He cannot be said to aim at producing rhetorical effects, and yet one may easily detect evidences of a close attention to the rounding of his periods. Familiar as he is with the methods of logic, fond of analysis, eager to introduce at all times formulas, axioms, postulates, and corollaries, some of his pages bristle with geometrical forms which startle without convincing the reader.

He is eminently witty and ironical, and his style of sarcastic argumentation has rarely been surpassed. We wish we could give our readers some of his descriptions; especially those of Cousin and Jouffroy, where, making of the one a court abbé, the lover of Madame de Longueville, a pulpit orator, a worldly and wordy metaphysician, and of the other a sedate Englishman, a distinguished graduate of Cambridge, and a pupil of Locke, he exhibits, in language of singular grace and polish, and with keen irony, the peculiar merits and the mutual contradictions of those two celebrated eclectic philosophers.

In fine, M. Taine must be considered as an author of uncommon literary excellence, unquestionable originality, and surpassing energy and promise. His style is peculiar, at times eloquent, always correct, firm, and forcible. And when we recollect his strength as a writer, his ingenuity as a logician, and his success as an acute reasoner, we feel tempted to apply to him the measure which he has so felicitously applied to others. Livy, he says, is *orator in historia*, Cousin, *orator in philosophia*. What shall we say of M. Taine? *Orator in dialectica*.

ART. VII. — 1. *Manners and Customs of the Ancient Egyptians.* By SIR J. GARDNER WILKINSON. In two volumes. London: John Murray.

2. *Charicles: Illustrations of the Private Life of the Ancient Greeks.* From the German of PROF. BECKER. Excursus IX.

3. *Gallus: Roman Scenes of the Time of Augustus.* By PROF. BECKER. Excursus XII.

4. BRAND'S *Popular Antiquities.*

5. *Annual Report of the Trustees of the Cemetery of Mount Auburn, for the Year* 1860.

MAN, who is created from the dust, demands as a right two things from his mother earth; food while he lives, and six feet of ground after he dies. The first he can obtain by his own efforts; the second, he of necessity must claim from his friends. The earth, his progenitor, has too her privileges. It seems but just, that, having furnished the materials for his creation and continued support, she should receive his remains as a legacy for her future offspring. When that mysterious principle, which we call vital, and which endows him with sensation and voluntary motion, is extinguished in death, the universal laws of chemical transmutation, long held in abeyance and coerced to serve the purposes of his living functions, resume their sway, and speedily reduce the wonderful organism of his human frame to its primitive elements, there to play anew their part in the great cycle of the inorganic and organic worlds. Modern science demonstrates that the old doctrine of metempsychosis contained a germ of truth, though of truth misapplied. Our bodies, though not our minds, may and do become the bodies of other animals, or are incorporated in the cellular structure of the oak, the potato, or the flower, and even enter into the composition of the crystal and the rock. Flesh and bone fall by degenerative metamorphosis, through the proximate principles of albumen, fibrine, and water, to the humble scale of carbon, hydrogen, and nitrogen, — to acids, bases, and inorganic salts. Oxygen, the vitalizing principle, plays also the part of the destroyer,

and levels the proud structure of the man to the primitive dust.

There is a sort of retributive justice in this, which we hasten to imitate with the inferior animals, and with plants. The bones of the domestic creatures that we have slaughtered for food, we spread upon our fields to produce pasturage for others. The decaying stubble and the uprooted sea-weed become the pabulum of future crops. The sordid spirit does not stop here. The curate's cow grazes in the village churchyard and feeds his children from his parishioners' remains. The bones which strewed Waterloo are ground to powder, and, under the guise of phosphates, form the annual dressing of English meadows. The British soldier in the Crimea may have dined off his heroic father's bones.

These marvellous changes, conducted sparsely and singly in the great laboratory of nature, are harmless and inoffensive. But when death strikes men in masses, as in pestilence and in battle, the case is different. What to do with the dead is ever one of the most troublesome problems in severe epidemics. The panic and the numerical weakness of society increase in the same ratio with the accumulating remains; and the latter augment and perpetuate the disease which overwhelmed them. There is no truce so soon granted, and so sacred, between hostile armies, as that established to "bury the dead." Self-preservation enforces what neither mercy nor religion might otherwise secure.

Were we in every sense merely organic existences, — animals in whom feeling and love did not exist, — we might leave to nature, that created us, the disposal of our remains, and lie and decay wherever we fell and died. Society and humanity have higher claims. The one is obliged to remove us from its midst, for the safety of the community. The other attaches a certain sacredness even to the inanimate forms of the souls it has known, frequented, and loved, and would continue the cares of friendship to our interment and the choice of a grave.

In all times, and among all nations, it has been esteemed a sacred duty to bury the dead. David praises the men of Jabez-Gilead, who rescued the bones of their king from the

enemy. Jeremiah threatens it as the greatest of punishments that the wicked should be deprived of burial. Herodotus tells us that, in Egypt, the city nearest which any dead body should be discovered uncared for was obliged to embalm it, and place it in some consecrated spot. The Chinese will sell himself to hard labor for years to obtain means to bury his parents. By a law of Athens, the discoverer of a corpse was obliged to see it interred, and he who refused to do so was deemed impious. The Roman was enjoined to cast three handfuls of earth upon the body of the stranger whom he found in his path. In Greece and Rome, a powerful incentive to care for the dead was founded in the religious belief that the unburied were obliged to wander a hundred years before entering the other world. Even Nero, driven from his throne, and having taken refuge in the villa of a freedman, one of his dependants, though contemplating suicide, employed his last wretched moments in digging a shallow grave with his hands, lest he should be denied the honors of burial. The *exequiæ*, or funeral obsequies, of those lost at sea, or whose bodies were not recovered, were religiously performed by their friends. Tombs, called *cenotaphs*, were prepared for them, in the hope that the wandering *manes*, finding an empty sepulchre ready, might take up their abode in it, and thus abridge their period of suffering. *Asini sepultura*, or, as we say, the burial of a dog, was the name applied to infamous interment. Notorious criminals, spendthrifts, those struck by lightning, as being cut down by the wrath of the gods, and suicides, were denied burial rites. *Justa* and *debita* among the Romans, and δίκαια among the Greeks, were terms in use to express the obligation of burial. The Turks desire immediate interment, on the day even of death, to shorten their passage to Paradise. The North American Indians, too, believed that the spirits of the unburied dead wandered restlessly until they found a grave. The denial of Christian burial forms one of the terrors of excommunication among Roman Catholics, and even in the Church of England the unbaptized and suicides are refused the funeral service at their interment. The fear of losing a grave haunts the poor who are driven to charitable institutions, and the malefactor in his cell. We should expect, therefore, to

find the religious observances and funeral rites of different countries considered equally important, though widely various.

It was a beautiful though not a universal custom among the Romans for the nearest relatives to kiss their expiring friend, thereby receiving his dying breath. The same person closed the eyes of the departed, and all present called him loudly by name, to restore him to consciousness should he be only in a trance. With a similar object, the body was washed in hot water, and then the undertaker was sent for.

The Greeks washed and anointed the body, often crowned it with a chaplet of flowers, and had solemn music performed in the death-chamber. An obolus and a cake made of flour and honey were placed in the mouth of the corpse; the one to pay his fare to Charon, the other to appease Cerberus. Among the Romans also, a coin was sometimes put in the hand of the dead. In both Athens and Rome the body, clad in a white shroud or in its dress of honor, lay in state in the hall of the mansion, that the friends might pay their last respects. A vase of lustral water stood by to purify the hands of those who touched it, and the remains were never left alone until the funeral. In like manner, in Wales it is deemed disgraceful to leave the corpse alone for an instant. Two other customs prevail there; — one is to lock up all the cats; the other, to turn the mirrors to the wall. The former is readily explained; the latter not so easily.

In Rome a branch of pine or cypress suspended at the door gave notice of a death, as in some modern cities it is habitual to muffle the knockers and bells in crape for a similar purpose. In Queen Elizabeth's time the "passing-bell" was tolled when any one was dying. This touching custom, whereby all were invited to pray for the parting soul, has fallen into disuse.

> "When thou dost hear a toll or knell,
> Then think upon THY *Passing Bell*."

It is customary at this day, in some parts of Northumberland, to set a pewter plate containing a little *salt* upon the corpse. A candle too is sometimes placed upon the body. Salt is the emblem of eternity and immortality, as preserving things from decay. The candle was an Egyptian hieroglyphic for *life*. Candles are still used at wakes. Flowers and sprigs

of yew and rosemary laid on the body, or carried at the funeral, are likewise types of life and immortality, and were used in Virgil's time: —

> "Heu, miserande puer! si qua fata aspera rumpas,
> Tu Marcellus eris. Manibus date lilia plenis;
> Purpureos spargam flores, animamque nepotis
> His saltem accumulem donis, et fungar inani
> Munere."

Among the Hindoos the body is decked with flowers. The Greeks used the amaranth and polyanthus to hang over tombs. The French employ garlands of *Immortelles*. Flowers were deemed peculiarly appropriate for virgins and children by the early Christians. The yew is planted in the English, the cypress in the Turkish burying-ground. The yew was thought best adapted to graveyards, both as an evergreen and on account of the poisonous nature of its leaves, which repelled straying cattle. The ancient Egyptians used linen or cotton, but seldom woollen, — which was prohibited to the priests' funerals, — in preparing the dead; an old English law, on the other hand, requires shrouds to be made wholly of wool, to protect the woollen manufactures. In China white is the mourning color. In Greece, Rome, and among modern nations, black was and is universal. In the latter centuries of Rome the mourning for women was changed to white, since their common dress had become of such gay colors that white was as unusual in daily life as black.

The deceased Roman lay in state in his *atrium*, with the feet toward the door. Sir Thomas Browne gives various philosophical reasons why the custom of carrying the corpse to the grave feet foremost is most proper. It is well explained in the following epigram: —

> "Nature, which headlong into life did throng us,
> With our feet forward to our grave doth bring us:
> What is less ours than this our borrow'd breath?
> We stumble into life, we go to death."

A pretty habit prevailed among the ancients of burying children just at dawn. Thus the early twilight and the opening of day were symbolical of the morning of life so prematurely closed. The last farewell at the grave is familiar still in mod-

ern use. "Ave anima candida; terra tibi levis sit; molliter cubent ossa."

Two methods of disposing of the dead, with a view to the destruction of their remains, and one for preserving them, were in common use at various periods of history. The former were inhumation and cremation; the latter was embalming. The first was undoubtedly the oldest, and has always been the most prevalent, as it is now. It was the common habit of the Jews and Persians. Yet cremation is also very ancient. Saul was burnt, and his bones afterward buried. Asa was burnt in the bed which he made for himself, filled with sweet odors and various kinds of spices. The Hindoos used cremation in very remote times; but the practice did not exist either in Persia or Egypt. The people of the latter country, holding it unlawful to expose the bodies of the dead to fire or to animals, and fearing that they might become the prey of worms, embalmed them. Universal mourning throughout Egypt was observed for seventy-two days after a royal death. That for private individuals was briefer, and was conducted by the relatives going about the city, flinging dust upon their heads and beating their naked breasts.

A singular custom obtained among the Egyptians of holding a public judgment of the deceased, previous to interment. A day was fixed by the relatives for this purpose, and forty-two judges were assembled, who took their seats on a semicircular bench, beside the sacred lake. Before the coffin was allowed to be conveyed to the other bank, any one who chose was permitted to accuse the dead. If these accusations were sustained by the judges, the rites of sepulture were withheld. If none were made, or if the accuser appeared to be a calumniator, the relations of the defunct, laying aside their mourning, extolled his virtues; dwelling on his good education, his justice, piety, temperance, and continence. The surrounding multitude joined in the eulogy. Unpaid debts delayed interment. Meanwhile, the bodies of those prohibited burial remained in their private dwellings. Among the Greeks, on the other hand, Solon forbade any reflections on the character of the departed; and Demosthenes insists that no provocation from the survivors of the family should induce one to speak

ill of the dead. The Egyptian practice seems to us both wise and just. Were it followed now, many would be deterred from frauds, which they hope to gloss over by munificent bequests, or fulsome clerical panegyrics. *Nil de mortuis nisi bonum*, though originating in a tender respect for death, is among the most mischievous of maxims.

The Egyptian sepulchre was a place of family interment. Its ample size, and numerous lateral or perpendicular excavations, afforded room for the deposit of many generations. A special place of burial could not be obtained by the poorer classes. Their bodies were placed, uncoffined, in layers, in deep pits, or along the sides of the passages branching off from them.

Although the Hindoos generally burn their dead, yet men of the religious orders are buried, in a sitting posture. The body, bathed and perfumed, is immediately carried to the pyre. The latter is commonly not more than four or five feet high, strewn with flowers, and sprinkled with scented oils. Tombs are seldom erected, except to men who have fallen in battle, or to widows burnt with their husbands. Elphinstone remarks that the Suttees, or wife-burnings, are voluntary, and not coerced. Monthly obsequies are performed to the manes.

The funeral customs vary in different parts of China. In Fokien, the body is coffined soon after death, a fan is placed in the hand, a piece of silver in the mouth, and a hole is sometimes made in the roof, for the spirit to effect its exit. The coffin, made with tight joints, varnished, and partially filled with lime, is sometimes kept in the house of the deceased for years; and incense is burned before it morning and evening. It is generally so kept from poverty, until the family are able to buy a tomb. There are no graveyards in the cities, or about the temples, but tombs are usually placed on hill-sides. Lucky spots are chosen by geomancers. Paper images of clothes, horses, and so forth are cast into the grave, and a sacrifice of cooked provisions is offered on the day of the funeral. In the month of April, the whole population visit and worship at the tombs of their ancestors. Burial clubs exist in all the larger cities; but the poor are generally buried *en masse* within enclosed buildings.

In ancient Greece, as an early interment was supposed to be pleasing to the dead, the body was rarely kept beyond the third day. In the earliest times, inhumation was practised by the Greeks; but ever afterward, the custom of cremation prevailed among them. Homer speaks only of burning. The body was borne forth on a bier, or, if the deceased had been a soldier, on a large shield, to the funeral pyre. Three threnodies, or funeral dirges, were sung. The ashes were collected by the nearest relative, and deposited in an urn, which, in its turn, was sometimes placed in a chest or sarcophagus, and this buried in the earth. The solemnities concluded with an oration or eulogy, games, repasts, sacrifices, and libations. On the second, ninth, and thirtieth days after the funeral, offerings in honor of the dead were made. The birthday of the deceased and the anniversary of his death were also observed.

The custom of burying is said to have been older than that of burning, at Rome; and there were certain patrician families — as the *gens Cornelia* — which adhered to it down to a late period, Sylla being the first of that noble line who caused himself to be consumed by fire. But in reality inhumation always took place, even in the case of burning the body; for then, instead of the grave, the funeral-vault was substituted, in which was placed the cinerary urn. It is not certain at what time of the day the funeral took place. Age made a difference. Children were buried, but never burned. Their funerals were conducted without much ceremony, and generally by night. We might expect that with the increasing wealth and luxury of Rome the pomp of burials would proportionately increase; and they did, in fact, reach a splendor which would put to the blush the most accomplished modern undertaker. It was natural that all this expense should not be thrown away at night on the deserted streets. We may accordingly conclude, from a line of Horace, and from other authorities, that the funeral procession passed through the public thoroughfares of the city at the most busy period of the day.

The *libitinarius*, or undertaker, having, with the assistance of his slaves, prepared the corpse, it was borne on a bier, by the nearest relatives, or by the slaves made free by the will, to

the public *forum*. A herald used to invite the people to be present at any grand burial. The order of the funeral procession, as regulated by Roman fashion, was as follows. First came the *tibicines*, flute-players or pipers, sometimes with the more noisy accompaniment of horns and trumpets. Then followed the *præficæ*, or professional female mourners, furnished by the undertaker. It was their business to sing *næniæ*, or wailing panegyrics of the deceased. The Irish have something similar to them in the crooning of the corpse, and their venal woe is well imitated by modern mutes. Unlike any modern mortuary customs was the Roman one of placing next after the mourners *mimi*, who indulged in merry as well as sad allusions, and the chief of whom imitated the person of the defunct. Then followed the *imagines majorum*, men resembling in size and figure the ancestors of the deceased, wearing waxen masks, dressed appropriately to the times and manners of his predecessors, and bearing the *insignia* proper to each branch of the family. After the procession of its forefathers came the corpse itself, exposed upon a *lectica*, or bier, lying upon a purple or embroidered coverlet, and borne upon the shoulders of the relatives or slaves among the rich, but of professional bearers among the poorer classes. The heirs and relations, with the *manumissi*, wearing their hats in token of their newly acquired freedom, closed the procession. The whole convoy was muffled in black. Arrived at the *forum*, the bier was deposited in front of the *rostra*, and one of the relations mounted the tribune and pronounced the *laudatio*, or eulogy of the deceased. The speaker went over all the ancestors, also, whose *imagines* were present, and recounted their individual deeds and merits. This honor was very rarely paid to women. After the funeral oration was concluded, the procession marched in the same order to the place of interment, or more commonly to the pyre.

The pile on which the corpse was laid varied in height and decoration according to the circumstances of the defunct. It probably consisted of large logs, piled so as to leave a hollow beneath, which was filled with lighter combustibles, as rushes and pitch. Ointments, garlands, and perfumery were thrown upon and around the corpse. A loud lament was then set up

by the *præficæ*, in the course of which the nearest relative applied the torch, with averted face.

> "Pars ingenti subiere feretro,
> Triste ministerium, et subjectam more parentum
> *Aversi tenuere facem.*"
>
> Æneid, VI. 222 et seq.

After the pile was burned to the ground, the glowing ashes were quenched. The manes of the defunct were invoked; then, with washed hands, the bones were gathered into the mourning robe. These were next sprinkled with wine, and again with milk, and then dried on a linen cloth. Perfumes were mingled with the ashes. The remains were now placed in the cinerary urn, made of clay, stone, metal, or glass, and this was consigned to the tomb. The farewell was bid to the deceased, and the assembly, purified by sprinkling with consecrated water, dispersed. Tibullus well describes how he wishes to be buried: —

> "Præfatæ ante meos manes, animamque precatæ,
> Perfusæque pias ante liquore manus,
> Pars quæ sola mei superabit corporis, ossa
> Incinctæ nigra candida veste legant;
> Et primum annoso spargant collecta Lyæo,
> Mox etiam niveo fundere lacte parent;
> Post hæc carbaseis humorem tollere velis,
> Atque in marmorea ponere sicca domo."
>
> Tibullus, Lib. Tertius, Elegia, II. 15 et seq.

The ancient Scythians placed the dead body upon a carriage, and carried it about to the different acquaintances of the deceased, who prepared an entertainment for those who accompanied the corpse, placing before the body the same as before the rest. After having been carried about, probably embalmed, for forty days, the remains were interred. Some, too, suspended the dead from trees, and left them in that state to putrefy. "Of what consequence is it," says Plutarch, "whether one rots in the earth or *upon* it?"

Both inhumation and cremation were Druidical and ancient British fashions. Barrows were the oldest tombs. The *kist-vaen*, or coffin, composed of rough stones set edgeways, was another receptacle of the dead used in Britain. The Romans

in England buried their warriors near the military roads. Cremation and urn-burial were perhaps borrowed from them, though Woden enacted a law for burning the dead, which all the Scandinavian nations observed. The Danes distinguished three several epochs. The first was called the age of burning; the second, the age of tumuli, or hillocks; and the third dated from the introduction of Christianity, which put an end to the former customs.

The Turk who bears a dead body forty paces on its way to the grave procures the expiation of a great sin. The remains are placed in a shallow grave, and covered with thin boards. The cemeteries are very extensive, and, a cypress being planted by each grave, they are quite thickly wooded. A turban carved on the tombstone marks the last resting-place of Mahomet's follower. All but those of very high rank are buried outside of the city.

In Mexico, at the highest period of the Aztec civilization, the corpse was dressed in the peculiar habiliments of his tutelar deity. It was strewed with pieces of paper, which operated as charms against the dangers of the dark road which the deceased was to travel. A throng of slaves, if he were rich, was sacrificed at his obsequies. His body was burned, and the ashes, collected in a vase, were preserved in one of the apartments of his house. Sometimes the body was buried entire, with valuable treasures.

The North American Indians, at one period, buried their dead in a sitting posture, with the face to the east. Afterward they exposed the body on a bark scaffolding. The skeletons of the family were then collected, and kept in a hut, and finally placed together in tumuli or barrows. The bow and arrows, the pipe and food, were deposited with the remains, and a fire was built for the dead to cook his meals. A poetical custom prevailed among the Iroquois of freeing a captive bird over the grave, on the evening of burial, to bear away the soul of the departed to the spirit-land.

The North of England, Wales, and Ireland still preserve in remote hamlets, at the burial of the dead, many old customs of questionable descent. Among the most common is "waking," or watching with the dead, called *Lake-Wake*, from its

Anglo-Saxon derivation. At night, all the friends and neighbors of the deceased meet in a barn or out-building, where the corpse is laid out with the face exposed, and surrounded by as many candles as can be begged or borrowed. Pipes, tobacco, and spirits are dealt out to the company. Miss Edgeworth says, in "Castle Rackrent": —

"After a fit of universal sorrow, and the comfort of a universal dram, the scandal of the neighborhood, as in higher circles, occupies the company. The young lads and lasses romp with one another; and when the fathers and mothers are at last overcome with sleep and whiskey (*vino et somno*), the youth become more enterprising, and are frequently successful. It is said that more matches are made at wakes than at weddings."

The Gaelic and Celtic habits of noisy lamentation for the departed — the singing his praises in the Coranach of the Highlands, and the crooning and death-howl of the Irish — resemble the practices at the graves of the Eastern and ancient nations. That most expressive word, *ululation*, was used to signify the same rite among the ancients.

In Rome, children were buried by torchlight. In Southern Italy the services of the burial-clubs are still conducted masked, and with torches.

Similar to the services performed on the second, ninth, and thirtieth days after death, among the Greeks, and to the monthly obsequies of the Hindoos, is the Saxon ceremony of *Minnyng Days*, or Month's Mind, still extant in Lancashire. A monthly service, dirge, and subsequent feast are there held in memory of the dead. Burial feasts called *Arvals* are yet kept up in the North of England. The bread distributed on these occasions is called Arvil-bread. This is borrowed from the Romans, and corresponds to the *cœna feralis* of Juvenal. The prayers and tears of the poor at funerals are also bought with *doles*. In North Wales pence and half-pence, little loaves of bread, and cheese are distributed over the corpse. The payment of *mortuaries* was also an old Saxon observance. A horse or cow was led before the body at the funeral, and considered as a gift left by the deceased, by way of recompense for all failures in the payment of tithes, and was called a corse-present.

The most singular custom of all prevailed in Shropshire, in the employment of *Sin-eaters*, or poor people, who were hired to take upon themselves the sins of the deceased. An old man sat down before the house of death; there were given him a groat, which he put in his pocket, a crust of bread, which he ate, and a bowl of ale, which he drank off at a draught. He then pronounced the ease and rest of the soul departed, for which he would pawn his *own* soul.

In some parts of Wales bachelors were as hardly treated after death as they were among the ancients during life; for, while the grave of a young virgin was strewed with roses, the last resting-place of an old bachelor or maid was covered with rue, thistles, and nettles.

Most nations bury something with the dead, either with the fancy that he will need it in the other world, or as a tribute of respect. The philosophical Egyptians inclosed a roll of papyrus in the folds of the mummy-cloth, together with amulets and images of the divinities. The Greeks and Romans deposited in their tombs coins, ornaments, bottles of perfume called lachrymatories, and *lucernæ*, or sepulchral lamps. Arms, horses, domestic utensils, and even large amounts of money and jewelry, are exhumed from funeral barrows in various countries.

Though the Egyptians sometimes placed the mummy-case upright against the wall, and various nations buried in the sitting posture under special circumstances, yet the custom has been almost universal, where inhumation was practised, of placing the corpse in a recumbent posture, as being that in which man takes his natural rest, and in which he dies. Burying with the face downward was considered a mark of disgrace. The Turk places the head toward Mecca, wherever he makes his grave. An Athenian law obliged the Greeks to place the body to the west, with the face looking toward the east; and this custom has been followed by Christians generally, as implying that they looked toward the resurrection, typified by the rising of the sun in the east. In the Eastern and oldest nations, as well as among the Greeks, Romans, and Turks, the sepulchre was placed outside the city. The law of the Twelve Tables forbade the burning or the burial of the

dead within the limits of Rome. To this custom Sparta was an exception. Lycurgus, ambitious of removing the prejudice that the touch of a dead body conveyed pollution, not only introduced the custom of burial within the city, but erected monuments near the temples, that the youth might be trained to view such objects without shuddering. At Athens, the common place for burial was near the road leading to the Peiræus, outside of the Itonian gate, which was hence styled the Burial Gate. The Romans prepared their sepulchres near the high-roads leading out of the city. The Street of the Tombs at Pompeii is thus situated. The Via Appia, for miles beyond the walls, was lined with funeral monuments, many of them of great splendor, but varying from the simple *cippus* to the stately mausoleum. The stranger approaching Rome, after emerging from the hills upon the Campagna, and passing the gigantic arches of the Claudian Aqueduct, traversed a great city of the dead before arriving at the gates of the metropolis. The grandeur of the monuments, and the historical memories awakened by the epitaphs of the illustrious dead on either side, prepared him in some measure for the vastness of the city which lay beyond. Each family tomb, though, like that of the Scipios, whose ruins are still sufficiently preserved to be entered and explored, large enough to contain many generations of the family and its dependants, was yet distinct and private. There were no common burial-grounds, if we except those on the Esquiline, used for the lowest class of slaves. These were called *puticulæ*, and were deep pits, into which the bodies of the *vilia mancipia* were thrown to rot, with very few funeral observances. Not only did every respectable Roman have his family tomb, but the wealthier citizens established sepulchres, or *columbaria*, for their freedmen and favorite servants, near the grounds of their estates. As the life of the lower class and the poor much resembled in misery that led now by the *Lazzaroni* of Southern Italy, so were they alike in the degradation of their burial in ancient and modern times.

None but the wealthy can command the privilege, in the dense population of Naples, of being buried in the churches, or in private tombs. The Campo Santo is a well-enclosed spot, prettily laid out and planted, and filled with handsome family

tombs. It is charmingly situated, a few miles from the city, overlooking the bay, with Vesuvius in the distance. On a warm summer afternoon, with flowers blooming, trees in full leaf, birds singing, and the old monks, its keepers, basking in the sun, it would be hard to find a prettier place. Here are entombed the wealthy Neapolitans. But this is not for the common people, for the poor from the hospitals, the Lazzaroni, or even for those of the middle classes. At the opposite end of the cemetery are several large stone buildings, looking more like prisons than tombs. They enclose four court-yards; and each court-yard contains ninety or more trap-doors, let into as many holes in the pavement. In all, there are three hundred and sixty-six, or one for every day in the longest year. Each trap-door closes the mouth of a great vaulted pit, which, day after day, in regular succession, swallows up the city's dead for the twenty-four hours. That which is opened to-day was opened before, a year ago; and to-night it will be filled, and closed for a year to come. Here all are thrown in together promiscuously, men, women, and children. Uncoffined and unswathed, and often stripped of their covering by the gravesmen, whose perquisites these become, they lie stark and stiffened, heaped together at the bottom of the pit. Every day, at sunset, the dead are brought out; a service is read; the day's pit is opened; all are cast in; the mouth is closed; and they remain covered with quicklime for a year's space.

As Christianity, and with it the Romish Church, advanced, a peculiar sanctity began to be attached to consecrated ground. The original Campo Santo was formed with earth brought from Jerusalem, and enclosed to form the last resting-place of the privileged few. Next, the same idea of sanctity was extended to churches and churchyards as places of burial. Among the primitive Christians, burying in cities was not allowed for the first three centuries, nor in churches for many ages afterward. Gregory the Great first introduced the custom of burying distinguished individuals in and beneath churches, assigning as a reason, that their friends, seeing their tombs, might be induced to offer up prayers for them. The practice was brought to England by St. Cuthbert in 750; and about three hundred years later, the erection of vaults in chancels and under the

altar, as well as the enclosing of proper churchyards for burial, became common. The dead among the laity were buried with their faces to the altar, but the priests facing the congregation, as in life. A singular opinion prevailed that the north side of the churchyard was unholy ground, reserved for criminals, the unbaptized, and suicides. All graves properly dug were made due east and west; to be buried north and south was a mark of ignominy. In Wales, whose curious mortuary practices have been so frequently alluded to, it was a custom to dance in the churchyard at feasts and revels. This amusement took place on the north side of the churchyard, where it was the habit not to bury. It was long believed in Argyle, Scotland, that the last person buried watched round the churchyard until the next comer was interred. When, therefore, two funerals occurred together, a struggle was made by each party to reach the burial-place first, in order that the ghost of their deceased friend might escape the duties of porter at the churchyard gate.

Nothing can give us a better idea of the care bestowed in ancient times in the disposition of the dead, than the simple fact that some of the obituary monuments of an era before Moses may be seen at the present day, and that the history, manners, religion, and even the forgotten existence of mighty nations, have been wholly derived from their tombs. The Pyramids remain as solid as they stood thousands of years ago at the gateway of the desert; and the winged lions and sphinxes which guarded the portals of royal Assyrian sepulchres form now the prime objects of admiration in modern museums. The scholar of the nineteenth century reads from the funeral hieroglyphics and epitaphs of the Egyptians the story of their dynasties, lives, and deaths. These and the papyri found buried with the mummies are, with the exception of the information to be gleaned from the inscriptions in the temples, the sole sources of our knowledge of a great and civilized people. And they are enough. The religious views of the Egyptians explain their exceeding care in preparing resting-places for the dead. The tomb was thought to be man's everlasting habitation, and the house only his temporary lodging. If it be true that the original reason for embalming the

dead was, that the soul was believed not to quit the body until the body decayed, and might be detained in a state of consciousness while that change could be averted, we can understand the extraordinary pains which they bestowed in ornamenting their tombs, and rendering them stable and permanent. Cheops, or Rameses, securely lodged in the king's chamber of the great Pyramid, with his royal consort as safely housed in the room at its base, might bid defiance by his careful embalmment to the destructive hand of Time, and secure for himself an immortality equal to the duration of the massive structure itself.

The Roman, too, as well as the sovereigns of the Nile and of Babylon, left behind him sepulchral monuments which still endure, and which would be of inestimable value to the student, were it not for the fortunate discovery of Pompeii and Herculaneum. At the sixth milestone on the Appian Way stands a huge circular tomb, called the Casal Rotonde, so large, that there is a farm-house, with an olive grove of sixteen trees, on its summit. It is 336 feet in diameter, and was once the tomb of M. Valerius Corvinus, the orator and friend of Horace. Built of lava and travertine, bedded in cement, it has resisted the attacks of two thousand years, and is still from 80 to 100 feet high. Nearer to the city is a monument of marital piety, — the sepulchre which her husband caused to be raised to the memory of Cecilia Metella. It is a massive round tower, less in diameter than the one just mentioned, but large enough to have been used as a fortress in the predatory warfare of the Middle Age.

From the gate of St. Sebastian to the sixth milestone on the Appian Way, the modern drive is through a ruined necropolis. Great masses of brickwork in towers, arches, sectional walls, and façades, of every conceivable variety, with here and there a shattered column, a fluted cornice, the volutes of a capital, or the fragments of a statue or bas-relief, still remain, with their time-worn marbles and defaced sculpture, to mark the former magnificence of these august sepulchres. The baker's tomb, so called, is interesting as an emblem of the vanity of that rich craftsman who erected his last resting-place in the form of stone loaves and the implements of his trade.

Augustus built for himself a tomb of two hundred feet in diameter, and proportionately high; being raised on marble foundations, and covered to the summit with evergreen terraces. It was surmounted by a colossal bronze statue of the emperor. Its central arena now contains a squalid exhibition of rope-dancers, harlequins, and other artists of a third-rate modern circus. Hadrian, with the increasing folly of his age, made his tomb in the heart of the city, near the Tiber, and so enormous that it now constitutes the castle of St. Angelo, the chief fort of modern Rome. The splendor of a monument erected to Mausolus occasioned the common name of *mausoleum* to be applied to such structures. The original of the name is said to have been more than four hundred feet in circumference, and surrounded by thirty-six beautiful columns. Extravagance proceeded so far, that it was found necessary to impose penal restraints, lest the monuments of the dead should become more splendid than the temples of the gods, and the ambitious scions of rich and noble houses should waste all their patrimony in sepulture.

To economize room and expense, the urns containing the ashes of freedmen or favorite slaves too much esteemed to be consigned to the *puticulæ* were placed together in subterranean chambers, near the more stately tombs of their masters. To these vaults for common burial, the name of *columbaria* was given, from the resemblance of the niches in which the urns were placed to the pigeon-holes of a dove-cote. Two exist in the Vigna Codini, near the tombs of the Scipios. They are about twenty feet square, and fifteen deep. Arabesques, birds, animals, and frescos are on the walls; and inscriptions over the cineraries, which stand, row above row, on all sides.

No ancient barrow and no modern cemetery can compare in extent, or in ghastly population, with the Catacombs of Egypt, Rome, and Paris. Those on the banks of the Nile were common receptacles for the general population who could not afford a separate tomb. The Catacombs of Rome were probably the work of the Christians, and under the persecutions of the Pagan emperors served at once as retreats for the living and repositories for the dead. Such a view would seem to be justified by the vast quantity of domestic utensils

and implements found in them. The symbols of their religion, deposited with the dead, testify that the more common and secular articles could not have been the votive offerings of heathen to the deceased. Their prodigious extent and the laborious industry which provided them are equally wonderful. Excavated at the base of a lonely hill, or in some other secluded spot, the entrance was so carefully concealed that some of them remained unknown down to the sixteenth century, and others probably are still closed. The inscriptions found in them give also satisfactory evidence of their Christian founders. Beneath the basilica of San Sebastiano is the entrance of one of these subterranean labyrinths, extending for miles, but whose limits have not been ascertained. Long, endless, winding passages are bordered by ledges and niches, of different sizes, for the bodies of adults and children; while occasionally more open spots served as places of assemblage for Christian worship.

The convent and church of the Cappuccini at Rome have preserved the mediæval prejudices of the Campo Santo in a way at once peculiar and interesting. Beneath one of the side-aisles are four low, vaulted chambers, serving for the cemetery of the order, the earth in which was brought from Jerusalem. The walls are covered with bones and skulls, arranged in many fantastic devices, forming crosses, and even chandeliers. Erect in niches are placed the skeletons of the officers of the Capuchins, clad in their appropriate robes. When a brother dies he is buried in the oldest grave, from which the bones of the last occupant are removed to ornament these sepulchral halls. It is an involuntary reflection, that your monkish guide will erelong be himself suspended piecemeal here for the edification of his brethren.

Barrows is the name given to those hillocks, or mounds of earth, formerly raised over the bodies of deceased heroes. The custom of erecting them continued in Europe until the twelfth century, and how much later in America we cannot determine. Herodotus mentions the barrow of Alyattes, king of Lydia, which has been identified by modern travellers. It was thirteen hundred feet broad, and nearly a mile in circumference. The Scriptures tell us that the body of the king of Ai, slain

by Joshua, was placed at the entrance of the city, and over it was raised a great heap of stones. Homer, in describing the interment of Patroclus and Achilles, says that the whole army threw earth upon the consumed pyre, and thus raised a rude, high hill. On the barrow of the Athenians in the plain of Marathon were columns, with inscriptions. Xenophon alludes to this custom as having obtained among the Persians, and Virgil speaks of it as prevalent in Italy. In Siberia, Denmark, Sweden, Saxony, and Poland, in England, in the counties of Wiltshire, Dorsetshire, Kent, and Surrey, in North Wales and Ireland, numerous barrows are found. At New Grange, in the latter country, is a tumulus of this kind seventy feet high, three hundred feet around the summit, and covering two acres at its base. In Scotland, the barrows are vast piles of stones, called cairns. In all of them human bones have been found, variously disposed in masses, in single rude receptacles, or burnt and deposited in urns. The barrows in Cornwall are found to be composed of earth foreign to the soil on which they stand, and which must have been brought from a distance. Their size was generally proportionate to the distinction of the individual whose tomb they formed. Barrows have been found in great numbers in America. One has been estimated to have contained a thousand skeletons. It is probable that the Indian tribes, at certain periods, collected all their dead, wherever buried, and deposited them together under these huge mounds. Such battle-fields as Waterloo or Magenta furnish the materials for modern barrows, and such epidemics as the plague or cholera necessitate the interment of multitudes in a common grave.

Of all modes of preserving the bodies of the dead from decay, embalming has been both the most frequently employed and the most successful. The Egyptians practised this art in a manner which has not been equalled since. The professional embalmers, or *Taricheutæ*, formed a caste by themselves. They kept models of three different modes of embalming, varying in labor and cost. The vicinity of the lakes of natron gave them peculiar facilities for preserving the corpse. According to the account of Herodotus, confirmed by paintings in the tombs of Thebes, the body was steeped in

water of natron for seventy days. Natron is a native carbonate of soda; and the natron-lake water contained, besides, a large proportion of chloride of sodium, or common salt. The latter exercised its usual antiseptic power, and the natron combined with the adipose tissue to form a saponaceous compound, adipocere, leaving the fibrous part of the body untouched. It was necessary, of course, that the viscera should be removed, as these are the earliest to decay. The cavity of the thorax and abdomen was entered by an incision along the cartilages of the ribs, and all the contents taken out, except the heart and kidneys. The story of Herodotus, that the brain was removed through the nostrils was long doubted, but later investigations have confirmed its truth. The viscera, washed with palm wine and spices, were either placed beside the body in the coffin, wrapped in linen and asphaltum, or deposited in vases near it. The hollow of the cranium was filled with bituminous matters and resin; the cavity of the body, with myrrh, cassia, resins, or cedria, a kind of liquid pitch. Thus prepared, the body was next enveloped in bandages of linen, which had been steeped in some resinous substance. Compresses were placed so as to secure an exact application of the bandage to the body, and leave no place for the admission of air. The strips of linen have been found extending to a thousand yards in length. There is no form of bandaging known to modern surgery which has not been found in the swathings of the mummies; and the art with which they have been applied and combined, so as to envelop smoothly all the limbs, has excited the admiration of professional men.

The body having been swathed, a case made of layers of cloth cemented together was moulded to it while moist, and sewed up at the back. This was placed in a coffin of sycamore-wood, and sometimes this again in a second and a third. Such was the most complete and expensive manner of embalming among the ancient Egyptians. In their dry climate it has been found effectual for thousands of years. The mummies lose indeed the semblance of life, but they do not decay. It will be seen that pickling, the change to adipocere, and almost hermetic enveloping, were all employed in this process. In such dry air as sweeps over the elevated plains of South Amer-

ica, it is probable that a human body might be cured as beef is preserved, by merely exposing it out of doors.

All animal tissue is subject, after death, to one of three changes, — to putrefaction and decay, to drying, and to the formation of adipocere. The first, or common decay, is by far the most usual sequence of inhumation, though it may be retarded somewhat by the dryness and depth of the grave, and the air-tightness of the coffin. In ordinary cases, as has been proved by experiment, the shape of the features is wholly lost in about three months. The hair may fall, but lasts indefinitely long. The abdomen, though exhibiting the earliest symptoms of putrefaction, — its walls becoming very thin and much distended, — does not lose its form for some little while longer. The thorax preserves its rounded aspect for six months, or even more. The bones do not become disarticulated for a much longer period, and they and the teeth endure, in a loose state, for a great while, though liable to become brittle. The presence of arsenic within the intestinal cavity exerts a powerful preservative influence, as has been shown in medico-legal examinations; though this influence is more active on the parts with which it is in contact, than on the whole body. A more general antiseptic effect can be secured by an arterial injection with this agent.

Drying away, shrinking, and hardening without decay, is more rare in the earth, or in tombs, than in the open air. It is a familiar occurrence in the dissecting-room, and the great annoyance of the practical anatomist in making preparations. There is but one church at Naples, that of the Santi Apostoli, where the remains of the dead are allowed to remain perpetually interred. In all the rest the earth is mixed with lime, and the bodies removed after a certain period, to make room for others. The vaults of the Santi Apostoli are filled with a peculiar soil, which has the property of preserving the corpses committed to it. On certain occasions these are exhumed, and exhibited to their friends, as a standing miracle. The gorgeous tomb of St. Charles Borromeo, at Milan, seems to have kept the body of the saint from decay by drying. His remains are repulsive, shrivelled, and dark, but not offensive; and do not change from year to year.

The most peculiar change which the dead body undergoes in certain places, and that retaining most of the semblance of life, is into *adipocere*. In the removal of many human remains from a disused cemetery in Paris, some years ago, numerous instances of this were found. Some strongly alkaline earths seem to combine with the fat of the body, to form an indestructible soap. Though the amount of adipose substance is large in all persons, it is not enough to account for the entire change of the whole fleshy substance, witnessed in these singular cases. Fatty matter may be generated from the decay of the albuminous solids, or of muscle itself; particularly when the muscular tissue is acted on by water. This change, called "fatty degeneration" in the living, may become adipocere in the dead subject. Thus is to be explained that complete saponification of the whole body which is occasionally met with after death. Adipocere is a soap, formed by the combination of fatty acids with an ammoniacal or calcareous base.

A body was exhumed at Bristol, England, a few years ago, which had been buried during the civil war. It was in a complete state of saponification, the flesh retaining the plumpness of life. When the body of King Charles was discovered, not very long ago, and his coffin opened, his hair, beard, and flesh were found so far preserved, as to render the resemblance to his portrait very striking, and to obviate the necessity of examining the severed head, for the purpose of identifying the royal martyr.

Just as animal or vegetable substances may be kept fresh by exhausting the air, and then hermetically closing them from its ingress, so it seems probable that the human body could be preserved, were the air carefully withdrawn both from the coffin and from the lungs and viscera of the corpse. When the ancient tombs of Etruria were accidentally discovered, there was found one royal sepulchre, in which, on breaking open the door, so long undisturbed, there met the astonished eyes of the intruders a vision of an Etruscan king, seated in regal state, with all the appearance of life. Some peculiarity of the tomb had thus preserved the appearance of ancient royalty, which had ruled before Rome was, unchanged, to the gaze of the nineteenth century. But little time was allowed

for admiration; for, as soon as the destructive air had entered, the whole spectacle, like the shadowy pageant of a dream, faded from view, and crumbled into dust.

Alleged success has attended various attempts to petrify the animal tissues, and thus to convert the deceased friends into statues to adorn the homes of the living. Frost too, where its reign is almost never broken, will preserve the body unchanged for an indefinite time. There was found on the icy shore of Spitzbergen the corpse of a Dutch mariner, in a rude, open coffin, left there many years before, and scarcely altered from his appearance when alive.

Some such changes as those described in the Tempest may occur to the bodies of those buried or lost at sea. In warm latitudes, the coral insect may take possession of the osseous structure, which the fishes have spared.

> "Full fathom five thy father lies;
> Of his bones are coral made;
> Those are pearls that were his eyes.
> Nothing of him that doth fade,
> But doth suffer a sea-change
> Into something rich and strange."

Air, warmth, and moisture represent the conditions most favorable to the decay of organic structures. The last two, and generally a sufficiency of oxygen, are to be found in the common grave, or funeral vault. Shallow and wet graves favor disintegration; deep and dry ones, preservation. The hydro-carbons and the nitrogenized compounds of the animal tissues obey the inevitable laws of combination, and become changed, by the aid of the oxygen and the inorganic elements of the soil, into carbonates, ammoniacal salts, and phosphates. Similar changes are brought about more quickly by burning the dead. Inhumation occasions a slow, cremation a rapid oxidation.

Though not so deleterious as the miasmata generated by the decay of vegetable matter, the changes produced in the grave are fraught with danger to the surviving, from the escape of mephitic vapors. Particularly is this the case in a crowded graveyard, bordered by a dense population. The ancient nations placed their dead at a distance from their temples and

their homes, chiefly for religious reasons; and they did wisely. It was reserved for Christianity to attach a false importance to holy ground, and to the vicinity of the church, and to bury the dead at their very doors. Thus the public health gradually suffered, and hygienic guardians of the community were driven to enact stringent laws, in all large cities, prohibiting intramural interments, or burial in church vaults.

It would appear from the experience at Paris, in removing some fifteen thousand dead bodies from the Cimetière des Innocens, that while the positive and immediate danger to the workmen was small, it was chiefly in removing the recently interred corpses, and those not far advanced in decomposition, that the worst results were experienced. Those who respired the vapor emanating from such remains, fell instantly, asphyxiated, and died; while those at a greater distance were affected with nausea, vertigo, or syncope, lasting for some hours. This vapor appeared to be sulphuretted hydrogen mixed with carbonic acid. Though the former is a very offensive and poisonous gas, it was mainly to the latter that the fatal accidents were due.

As many persons never outlive the impressions produced by churchyard ghost-stories which they heard in childhood, so there are others, who, from equally false sources, have an unreasonable terror of being buried alive. A cruel Roman superstition consigned to that dreadful fate the vestal virgins who proved faithless to their vows. Shut up in vaults, with a scanty stock of food and drink, they were left to perish miserably. Such accidents are supposed to be occasioned by a trance being mistaken for death. The most remarkable instances of the body's remaining inanimate for a long time, and then returning to life, are those told of the Hindoo Fakirs, which appear to be sufficiently well authenticated. Carpenter, the physiologist, says, that it is quite certain that an *apparent* cessation of *all* the vital functions may take place without that entire loss of vitality which would leave the organism in the condition of a *dead* body, liable to be speedily disintegrated by the operation of chemical and physical agencies. The state of syncope is sometimes so complete, that the heart's action cannot be perceived, nor any respiratory move-

ments be observed, all consciousness and power of motion being at the same time abolished; and yet recovery has spontaneously taken place, which could scarcely be the case if *all* vital action had been suspended. It is not a little remarkable that certain individuals have possessed the power of *voluntarily* inducing this condition. We will cite a single case. The trial was made under the direct superintendence of a British officer. A Hindoo devotee was buried for three days in a grave lined with masonry, covered with large slabs of stone, and strictly guarded. The appearance of the body when disinterred was quite corpse-like, and no pulsation could be detected in the heart or arteries. The means of restoration were warmth and friction, and the fanatic soon recovered perfectly. Other cases are narrated of ten days' and even six weeks' duration. The form of apparent death designated trance, or catalepsy, is one in which there is a reduction of all the organic functions to an extremely low ebb. While consciousness is preserved, the power of voluntary movement is suspended. Some light appears to be thrown upon these states by the phenomena of somnambulism and mesmerism, which may involve the secret of the performances of the Indian Fakirs, just referred to. It is well known that the hibernating animals remain for months in a state of profound repose, without other food than that furnished by the gradual absorption of the fat of their own bodies. And the warmth of the atmosphere in India would prevent that serious loss of animal heat which must soon occur in a colder climate, when the processes by which it is generated are brought to a stand.

We read of the hair of persons growing, after their death, so as to come out through the cracks of the coffin. Such cases must be purely fabulous. The appearance of growth in the shaven beard of corpses may be owing to one or both of two circumstances, — to the shrinking of the elastic tissue of the skin, which makes the beard appear longer, or to an act of expiring vitality in the hair-follicles, which may last for a very brief period after the cessation of breathing. We hear, too, frightful stories of bodies being found turned over in their coffins some time after they were buried. The formation and movements of gas, dependent on decomposition, may occasion

very slight changes in position, but no more. Let the timid bear in mind two cardinal facts, easily ascertained, which are sure proofs of death having taken place. The first is afforded by the condition of the muscular substance, which, retaining its tonicity, or power of automatic contraction, after its irritability, or power of contracting under stimuli, is wholly gone, producing the *rigor mortis* so characteristic of death. So long as the muscles remain free from rigidity, so long we may say that they are not dead. It seems probable that, as the coagulation of the blood is the last act of its vitality, so the stiffening of the muscles is the expiring effort of theirs. The period of this phenomenon, after breathing has ceased, is as variable as its duration. Both depend somewhat on the condition of the system when death occurs. Cadaveric rigidity usually supervenes in less than seven hours after apparent death. In infants, old people, and those dying of very depressing and wasting maladies, it comes early, sometimes in a quarter of an hour, and lasts but a short time. Where the general vigor has been retained up to a brief period before death, as in cases of poisoning and accidents, the rigidity comes on much later, and lasts a long while. It first affects the neck and lower jaw, and travels slowly downward. Deaths from strychnine, tetanus, and some forms of apoplexy, may be followed by *immediate* rigidity. While less dependence can be placed on the apparent cessation of the heart's action and of the respiratory movements, the rule is a trustworthy one, that the body cannot be considered as wholly dead until rigidity occurs, but must be so considered after the *rigor mortis* has manifested itself.

The second and still more satisfactory proof of death is given by the occurrence of putrefaction. This again is dependent for the rapidity of its appearance on the disease which has brought life to a close, as well as on many extraneous circumstances. It usually manifests itself in a greenish coloration of the abdominal cutaneous surface, and speedily becomes apparent in other parts. Some maladies render the body peculiarly prone to disintegration, and others have the opposite effect. It is fortunate that, should any doubt exist as to the fact of death, the circumstances most favorable to the visible

restoration of life are also equally favorable to the hastening of decomposition; and they may decide the question more quickly. The settling of the blood in the dependent portions of the body is an additional evidence that vitality has indeed departed. The final restoration of the components of the human organism to the inorganic universe takes place in almost those very forms in which they were first withdrawn from it to constitute man. Wide experience only tends to show how very rare it is that this change, if once begun, is arrested; or that apparent is mistaken for real death.

The peculiar feature of the cemetery at Munich is the dead-room. By a municipal regulation, all corpses are obliged to be removed from that city within twelve hours after death. To avoid the chance of accidents, they are kept for several days in the dead-room before being interred. The bodies, in full dress, recline upon tables, and to their fingers is attached a bell-cord, which would sound an alarm at the slightest trembling of a finger indicating a return to life. Notwithstanding these precautions in that populous city, the *first* instance of resuscitation has not occurred in many years.

Burning the bodies of the dead, though fallen into disuse, certainly has its advantages. It is the cleanest, and, for the public safety, the best way of disposing of mortal remains. All sanitary considerations would recommend it as far superior to every form of intramural interment. As it is the quickest means of destroying the animal tissues, it is worthy of more attention than it has received, in pestilences. It is far preferable to those hideous pits, which imperfectly meet the increasing requisitions of great epidemics, and which perpetuate the evil they are intended to remove. In all dense communities the disposing of the dead by common burial, at such times, proves fatal to many of the living.

The ancient Egyptian, deeming the tomb the eternal abiding-place of man, expended all his efforts in making his body lasting and his sepulchre permanent. The Christian, looking beyond the grave to another life, and regarding the tomb as a temporary place of rest, employed the word cemetery (*Κοιμητήριον*) to denote that his burial-place was a spot in which to sleep, and from which to reawaken. Apart from

the significance of the word, there are other peculiarities which distinguish the last resting-places of our faith. These are their being located in secluded spots, and their seeking to imitate nature, and to preserve the rural aspects of solitude, picturesqueness, and repose. In them the sad picture of human decay is decently concealed beneath the green sod; and the inevitable change of organic structures to their primitive elements forms the means of adding new beauties to the grass and trees and flowers. The damp mould and rank grass of the crowded churchyard are replaced by lawns and dells, left nearly as nature made them, though guided by the hand of art. The sparse interments give to all noxious gases an opportunity to disseminate themselves, to become diluted with healthier air, and to perform their proper office of fertilizers to the vegetable world. Thus, the sad results of mortality are economized to beautiful and useful ends.

The parent cemetery of Père la Chaise, near Paris, has been surpassed by its descendants in other lands. Though presided over by a delicate taste, the French graveyard shows too plainly the pruning hand of man. Artificial landscape, prim parterres and mathematically clipped bowers, give it too much that stiff and constrained aspect which is the failure of Versailles. Ostentatious monuments and sculptured tombs, though exquisitely executed, are laid out in streets, instead of being scattered about the grounds.

Our own cemeteries are more natural. While a yearly improvement is witnessed in the adornment of lots and the details of monumental art, the increasing attention paid to the rearing of trees and flowers is rendering them the most attractive spots to the town-worn citizen. In such cemeteries as Laurel Hill or Mount Auburn, while sufficient regard is paid to the requirements of a place of sepulture, the care with which the rural aspect of the enclosure is preserved affords the best illustration of the harmony which exists between Nature and Man, even in his decay; showing that, as his bones must at length rest in his mother earth, so his thoughts in his last moments may turn to the grave, his temporary sleeping-place, as to a spot no longer appalling or repulsive.

ART. VIII. — *A Theatre of Political Flying-Insects. Wherein especially the Nature, the Work, the Wonder, and the manner of Right-ordering of the Bee, is Discovered and Described.* By SAMUEL PURCHAS, Master of Arts, and Pastor at Sutton in Essex. London: Thomas Parkhurst. 1657. Small 4to. pp. 207.

THIS subject of Bees is discussed in many books and articles, but nowhere more amusingly than in the quaint and rare old book the title of which is given above. A few months ago several learned and instructive discussions on instinct were held in a famous society not far distant. In the course of those pleasant debates, the busy bee, as was to be expected, came in for a large share of attention. Something was said about his hive, and much ingenious speculation was devoted to the architecture of his cell; the angles of the sides to each other were carefully measured, and it was shown that the "yellow-breeched philosopher," as Mr. Emerson graphically calls him, was an expert geometer, — at least equal to Plato. Other interesting particulars relating to this wonderful little insect were agreeably illustrated by various members of the society. Could the bees have been present and listened, they would have been gratified by the manifestations of the esteem in which they were held by that learned body. They would have buzzed their thanks and murmured soft applause. But after all, what — as Mr. Horace Skimpole would ask — is the chief end of a bee? What is the final cause of the social, domestic, and political instinct so admirably displayed by him? What is the purpose for which geometry is put in play in the structure of his cell, and sagacity almost human in the principles of his polity? We answer, it is honey; and if we remember right, in the discussions referred to we had the hives without the honey, the bark without the nut, the shell without the oyster, the philosophy without the fruit; and this we think is contrary to a fundamental principle of the Baconian system. We hope we shall not be thought presumptuous if we undertake to supply the omission, — to add, as it were, a supplement, a practical application, — we will

not venture to call it an "improvement," — to those learned dissertations.

We do not propose to treat the subject fully. We shall limit ourselves to a few remarks on Attic honey, of which our friend Dr. J. H. Hill, the admirable missionary, has lately sent us a couple of jars, giving us thus an opportunity of sipping with Plato the "ethereal nectar."

In ancient, as well as in modern times, the bee and his doings were the subject of frequent poetical allusion, — *ζῶον συγγενὲς ποιήσει,* — and honey entered into the composition of drink, food, and medicine, while the name, to a singular extent, entered into the composition of words, besides often being a term of comparison. Homer, the poet of human nature, at home in every scene of life, and familiar with every aspect of the world and every living and created thing in it, compares the assembling of the Greeks, after the council in old Nestor's ship, to swarms of bees, issuing from a hollow rock, and alighting upon the flowers of spring; making out of an illustration one of those simple and elegant pictures for which the Iliad is so famous.* And in the Odyssey they are described as making their hives in a cavern sacred to the Nymphs.† The first allusion to honey is in Il. I. 249, where the eloquence of Nestor is described, —

> Τοῦ καὶ ἀπὸ γλώσσης μέλιτος γλυκίων ῥέεν αὐδή,
> From whose mouth flowed speech sweeter than honey.

The next is in a speech of Achilles, — very characteristic, and very expressive of his violent but generous nature, — where

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* Ἠΰτε ἔθνεα εἶσι μελισσάων ἀδινάων,
Πέτρης ἐκ γλαφυρῆς αἰεὶ νέον ἐρχομενάων·
Βοτρυδὸν δὲ πέτονται ἐπ' ἄνθεσιν εἰαρινοῖσιν·
Αἱ μέν τ' ἔνθα ἅλις πεποτήαται, αἱ δέ τε ἔνθα·
Ὡς τῶν ἔθνεα πολλὰ νεῶν ἄπο καὶ κλισιάων
Ἠϊόνος προπάροιθε βαθείης ἐστιχόωντο
Ἰλαδὸν εἰς ἀγορήν.
Il. II. 87 - 93.

† . . . . . ἄντρον ἐπήρατον, ἠεροειδές,
Ἱρὸν Νυμφάων, αἳ νηϊάδες καλέονται.
Ἐν δὲ κρητῆρές τε καὶ ἀμφιφορῆες ἔασιν
Λάϊνοι· ἔνθα δ' ἔπειτα τιθαιβώσσουσι μέλισσαι.
Od. XIII. 103 - 106.

he says that anger is much sweeter than trickling honey,* by way of accounting for the excesses into which it has led his excitable temper. In Il. XI. 631, Hecamede, the housekeeper in Nestor's tent, gets up a luncheon for Patroclus, a whetter to a drink, consisting of onion, fresh honey, and crushed wheat.† In the Odyssey, Venus brings up the orphan daughter of Pandareos on cheese, sweet honey, and pleasant wine.‡ These instances show the figurative and the literal use of honey in those early times, during life. After death, among other offerings placed on the funeral pile of Patroclus, are jars of honey;§ and Achilles himself was burned, with jars of oil and of honey, as the soul of Agamemnon tells his soul in Hades.‖

But previously to describing the use of honey on the pyre, we ought to have said something of its employment medically. We must content ourselves with brief allusions. It was sometimes given pure, but most commonly mixed with wine or water, and administered — under the name of *μελίκρητον*, or *μελίκρατον*, a word used as early as Homer —

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* Καὶ χόλος, ὅστ' ἐφέηκε πολύφρονά περ χαλεπῆναι·
Ὅστε πολὺ γλυκίων μέλιτος καταλειβομένοιο
Ἀνδρῶν ἐν στήθεσσιν ἀέξεται, ἠΰτε καπνός.
Il. XVIII. 108 - 110.

† Ἡ σφωΐν πρῶτον μὲν ἐπιπροΐηλε τράπεζαν
Καλήν, κυανόπεζαν, ἐΰξοον· αὐτὰρ ἐπ' αὐτῆς
Χάλκειον κάνεον· ἐπὶ δὲ κρόμυον, ποτῷ ὄψον,
Ἠδὲ μέλι χλωρόν, παρὰ δ' ἀλφίτου ἱεροῦ ἀκτήν·
Πὰρ δὲ δέπας περικαλλές, ὃ οἴκοθεν ἦγ' ὁ γεραιός,
Χρυσείοις ἥλοισι πεπαρμένον.
Il. XI. 628 - 633.

‡ Ὡς δ' ὅτε Πανδαρέου κούρας ἀνέλοντο θύελλαι·
Τῇσι τοκῆας μὲν φθίσαν θεοί· αἱ δ' ἐλίποντο
Ὀρφαναὶ ἐν μεγάροισι, κόμισσε δὲ δῖ' Ἀφροδίτη
Τυρῷ καὶ μέλιτι γλυκερῷ καὶ ἡδεῖ οἴνῳ.
Od. XX. 66 - 69.

§ Ἐν δ' ἐτίθει μέλιτος καὶ ἀλείφατος ἀμφιφορῆας,
Πρὸς λέχεα κλίνων.
Il. XXIII. 170, 171.

‖ Καίεο δ' ἐν ἐσθῆτι θεῶν καὶ ἀλείφατι πολλῷ
Καὶ μέλιτι γλυκερῷ· πολλοὶ δ' ἥρωες Ἀχαιοὶ
Τεύχεσιν ἐρρώσαντο πυρὴν πέρι καιομένοιο,
Πεζοί θ' ἱππῆές τε· πολὺς δ' ὀρυμαγδὸς ὀρώρει.
Od. XXIV. 67 - 70.

more or less frequently, and in smaller or larger doses, according to the temperament and *διάθεσις* of the patient. It entered largely into the prescriptions of Hippocrates and Galen. The former, who practised in Athens in the time of Pericles, and was doubtless his family physician during the plague, has a great deal to say about its properties in acute diseases. In his treatise on the proper way of living in that class of complaints, he says that honey, if taken during the whole period of the disease, checks the tendency to a cough, and produces other palliating effects, especially for those who are not bilious, and that it causes less thirst than sweet wine.* In many other places the great physician speaks of its use. Thucydides, in describing the plague of Athens, mentions the cough as one of the distressing symptoms, employing the same word, *βήξ*, that Hippocrates uses in the passage here quoted. We may fairly suppose that the sufferers in that awful pestilence, including the family of Pericles, were treated with this preparation of Hymettus honey. In another place he recommends it for difficulty of breathing.

After death, as we learn from Xenophon, when the body was not burned, it was sometimes preserved in honey. Agesipolis, the Spartan general, who took a fever in a northern campaign, begged to be carried to the shady groves and sparkling streams in the sacred grounds of a neighboring temple, that of Dionysus in Aphytos, where he died. His body was preserved in honey, and taken home to Sparta, where it was buried with royal honors. (Hellenica, V. 3. 19.)

Xenophon, by the way, often alludes to the social habits of the bees, and to their obedience to lawful authority.

Honey was also used in sacrifices to the Eumenides, — the *ἄοινοι θεαί*, "wineless goddesses," — the libations consisting of water and honey without wine. In the exquisite play of Sophocles, the Œdipus at Colonos, the closing scene of which forms one of the solemn associations of the Areopagos, at the foot

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* Μελίκρητον δὲ πινόμενον διὰ πάσης τῆς νούσου ἐν τῇσιν ὀξείῃσιν νούσοισιν τὸ ἐπιπολὺ μὲν τοῖς πικροχόλοισι καὶ μεγαλοσπλάγχνοισιν ἧσσον ἐπιτήδειον ἢ τοῖσιν οὐ τοιούτοισιν ἐστίν· διψῶδες γε μὴν ἧσσον τοῦ γλυκέος οἴνου· πινόμενον τέ γαρ μαλθακτικού ἐστι καὶ πτυέλου ἀνάγωγον μετρίως. Καὶ βηχὸς παρηγορικὸν, κ. τ. λ. — Hippocr. de Vict. in Morb. ac.

of which stood the temple of the Eumenides, this sacrifice to the Benignant Ones is described.*

At the oracle of Trophonius, the Bœotian seer, at Lebadeia, — alluded to by Aristophanes, and minutely described by Pausanias the traveller, — the visitor, who, after several days spent in preparations for the mysterious communications from the other world, descended into a dark cavern in a rocky height above the Hercyna, took with him, to appease the frightful spectres on the way, a μελιτοῦττα, — a honey-cake. This particular word is found in Aristophanes. In Pausanias, it is honey mixed with ground wheat. In the Odyssey, the souls of the dead are fed with μελίκρητον.

To return to more earthly uses. The confectioners of Athens were famous for the great variety and exquisite flavor of their sweetmeats. Honey was a constant ingredient. The ἀρτὸς γαμήλιος — or wedding cake — was seasoned with honey. There is no question that the Greeks generally had a sweet tooth, and it has come down to their descendants of the present day. The moment the traveller enters a Greek house, the master or mistress orders or brings in γλυκό, a kind of sweetmeat, of which the guest takes a spoonful, and then a small glass of water.

The ancient taste is indicated by the manner in which the word honey enters into compounded names, for all sorts of delightful things. We have already cited Homer on bees and honey. Such a poet certainly would not be wanting in epithets drawn from the hive. We have sounds of honeyed sweetness, as the voice of the Sirens, when they address in vain their alluring invitations to the wise Ulysses,† who had filled his sailors' ears with wax, and caused himself to be lashed to the mast, so that he had the pleasure of listening to their song, and escaping the danger, — an experiment not to be generally recommended. Wine is often called μελιηδὴς οἶνος, honey-sweet wine; partly, no doubt, because the ancients were fond of the

* Οἰδ. Τοῦ τόνδε πλήσας θῶ; δίδασκε καὶ τόδε.
Χο. Ὕδατος, μελίσσης· μηδὲ προσφέρειν μέθυ.
Œd. Col., 480, 481.

† Πρίν γ' ἡμέων μελίγηρυν ἀπὸ στομάτων ὄπ' ἀκοῦσαι.
Od. XII. 187.

sweet wines. Sometimes μελίφρων is used, referring to the pleasant exhilaration of the beverage upon the mind, — "wine that maketh glad the heart." To avoid misapprehension, it ought to be mentioned that they generally mixed the wine with water, in the proportion of three of water to one of wine. It was only on rare occasions — like that of the visit of the ambassadors to the tent of Achilles — that something stronger was given, as a mark of particular respect.* Like Shakespeare and every other great poet, Homer understood the blessings of sleep. The number and variety of pleasing epithets which he applies to "tired Nature's sweet restorer" are remarkable. He seldom alludes to it without some adjective showing a fine appreciation of its happy influence. Sleep is sometimes king of gods and men; it is sweet; it frees the mind from cares. Among the epithets is μελιηδής. Any one who remembers his last sensations before falling asleep after a fatiguing day's work, will recognize the fitness of this epithet. But it is applied with singular delicacy to a sleep of Penelope in which she dreamed of her long-absent husband, who promised, so she dreamed, to put an end to the hateful suitors; they were the geese of the vision, and he was the eagle that pounced upon them and slew them.† It is elsewhere applied to σίτος, *bread;* bread being to the ancients not only the staff of life, but good bread the most delightful article of food, as it undoubtedly is always to the natural and unperverted taste. In another passage,‡ the soul of Tiresias, speaking to Ulysses of his hopes of returning safely to Ithaca, says, νόστον δίζηαι μελιηδέα, φαίδιμ' Ὀδυσσεῦ. Nothing can be finer. Ulysses felt a love for his

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* Ζωρότερον δὲ κέραιε, δέπας δ' ἔντυνον ἑκάστῳ.
Οἱ γὰρ φίλτατοι ἄνδρες ἐμῷ ὑπέασι μελάθρῳ.
Mix it stronger, and hand a beaker to each,
For the friendliest men are beneath my roof.
Il. IX. 203, 204.

The commentators say that the reason for lessening the proportion of water was that the visitors were fatigued with their long walk. But this contradicts the words of Achilles; he expressly orders Patroclus to give his guests more drink and stronger, because they are good fellows. They had already taken ὅσον ἤθελε θυμός, "as much as they wanted," in the tent of Agamemnon. Besides, it was not a long walk, and the men were among the sturdiest of the Grecian host.

† Od. XIX. 545 - 552. ‡ Od. XI. 100.

rocky kingdom of Ithaca, equalled only by his affection for his wife and son. The delights of Calypso's grotto and the devotion of a goddess could not win his longing thoughts from his native land. He sat on the shore and looked disconsolately out upon the boundless deep, pining in heart; if he might only see the smoke rising from his hearth! What could be sweeter to him than the thought of return? and what epithet could more fittingly express the indescribable sweetness of the thought than μελιηδής?

Old Hesiod of Ascra, a pleasant place enough near Mount Helicon, was a terrible scold. He had been beaten in a lawsuit, in which, as he always contended, justice was on his side, and the decision of the judges was "crooked." He thought ill of the court, of his native town, of the weather, and especially of the women, although in one passage he is obliged to confess that a good wife is an excellent thing, if you can only find her. But you must catch her young. He has something to say about bees, but not having much honey in his disposition he does not seem very well to understand or relish it. The principal use he makes of the μέλισσα is to compare the idler — man or woman — to the stingless drones.*

The lyric poets, except Pindar, have come down to us in such a fragmentary state that we cannot find many traces of bees among them. Simonides, however, says quaintly, that the bees "converse with the flowers, and meditate yellow honey." Pindar's genius might be supposed to soar with too lofty a sweep —

> "Sailing with supreme dominion,
> Through the upper deep of air" —

for our little friends, who ascend to the upper regions only on rare occasions. He however once uses the phrase, μελιγάρυες ὕμνοι, of love poems.

Of the "lofty, grave tragedians," Æschylus, the loftiest if

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* Hesiod does not mention honey at all. He applies μελιηδής to fruit in one passage, and in three passages alludes to bees; in one (Theogonia. 594 – 602), for the sake of comparing women in general — πῆμα μέγα θνητοῖσι, *a great woe to mortals* — to the drones remaining idle in the hive and fed by the bees, who toil all day long; "just such a monstrous evil Zeus the Thunderer made women to be for men." In the second (Weeks and Days, 233), they (the bees, not the women) are enumerated among the blessings furnished by Earth to the just man; and in the third (Weeks and Days, 305), idle men are compared to drones.

not the gravest, was also the most sweet and tender of the immortal three. The Agamemnon is the sublimest of his tragedies; and there are at least two passages of unequalled pathos, — the description of the sacrifice of Iphigenia, and that of the lonely sorrows of Menelaus, betrayed and deserted by his faithless wife. This great poet, besides alluding to bees and their works, and the use of honey in soothing offerings to the dead, has in Prometheus Bound, μελίγλωσσος, *honey-tongued*,* in speaking of the power of persuasion.

In the extant plays of Sophocles only a few allusions to bees and honey occur. This is rather surprising, considering the elegance of his taste, and his delicate sense of all that is sweet and gracious in nature. The use of honey in offerings to the Eumenides, in the Œdipus at Colonos, has already been quoted; in one of the Fragments there is a reference to the skill of the bee in constructing his cell; and these, we believe, are all. Yet we have no doubt that he kept hives at his charming villa of Colonos, and had the best of honey daily on his table. When we find the sixty or eighty lost tragedies of this delightful poet, no question but the bees will appear in their appropriate characters.

In Euripides there is more honey. The bees are busier, and their work more in request. In that brilliant piece, the Bacchæ, and in the most sparkling of its gay choral songs,† the plain of Thebes flows with milk, and wine, and the nectar of the bees. In a fragment of a lost play we have τὸ Νεστόρειον εὔγλωττον μέλι, *the eloquent honey of Nestor*.

Aristophanes, as a satirist, would seem to have a more natural appreciation of the sting of the bee than his honey. But he was a poet of the most exquisite genius. Notwithstanding the wild gambols in which he indulged himself, his comedies contain the most abundant proof that in brilliancy and variety of imagination none of his great contemporaries surpassed him. And he liked honey better than gall. We think he must

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* Καί μ' οὔτι μελιγλώσσοις πειθοῦς
'Επαοιδαῖσιν
Θέλξει.

Prom. V. 172-174.

† 'Ρεῖ δὲ γάλακτι πέδον, ῥεῖ δ' οἴνῳ ῥεῖ δὲ μελισσᾶν
Νέκταρι.

Eurip. Bacch. 142, 143.

have kept an apiary as well as Aristotle. In "The Birds," he describes the song of the nightingale heard in a neighboring grove, — κατεμελίτωσε τὴν λοχμὴν ὅλην, *she filled all the grove with honey*, or "she honeyed all the grove." The origin of the Hibernian phrase of endearment, "My honey," may perhaps be found in "The Wasps," — Ἑὼς γὰρ μελίττιον, *Morning dawns, my little bee.* He applies μελίγλωσσος to song, *honey-tongued song;* and bee keepers and sellers are mentioned at least once. μελιτοῦττα, *the honeyed cake*, occurs three times. In the Ecclesiazousæ a lover addresses his mistress as μέλιττα Μούσης, *bee of the Muse.*

We should naturally expect a good deal of honey in the pastoral poets. Only one in that whole department is entitled to the praise of being a great original poet, and that one is, of course, Theocritus. In his beautiful Idyls we breathe the soft air of Sicily: they are redolent of the fields, plains, mountain-slopes, streams, and woods of that lovely island. Shepherd life is nowhere so simply, so truly, so nobly described; in no poet are the charms of nature more *naturally* set forth, and their influence more feelingly expressed. But we must not wander into the fields of general criticism: let us return to our bees and honey. One of the rustic lovers, in despair at the cruelty of his mistress, tells her that he will stop singing, lie down, and let himself be devoured by the wolves; and he hopes she may find it as sweet as honey trickling down her throat.* One shepherd compliments another by saying, "I would rather hear you sing than lick honey," † — licking honey to the Sicilian shepherds being as great a luxury as licking molasses to school-boys among the hogsheads on the wharf during recess. Another boasts — for modesty is not a virtue of pastoral life — that, among many other personal charms which he possesses, "his voice flowed sweeter than honey dropping from the comb." Theocritus also uses μελίγαρος, μελιηδής, and μελίπνους.

So much for honey and bees among the poets and in the

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* Ὡς μέλι τοι γλυκὺ τοῦτο κατὰ βρόχθοιο γένοιτο. — Id. III. 53.

† Κρέσσον μελπομένω τευ ἀκουέμεν ἢ μέλι λείχειν. — Id. VIII. 83.
Ἐρρέε μοι φωνὰ γλυκερωτέρα ἢ μέλι κηρῶ. — Id. XX. 27.

confectionery-shops. It would be interesting to trace the subject through the prose-writers in the same way. We can only touch upon one or two points. Aristotle, in his History of Animals, describes in great detail, and with his customary accuracy, the characteristics and operations of the bee, recurring, as in the case of the Γλάνις, many times to the subject, but as a philosopher only. His master, Plato, frequently alludes both to honey and to the bees, in their ethical and intellectual relations. And indeed this was to be expected. It is of him that the pretty story is told by Ælian: "Perictione carried Plato in her arms; and while Ariston was making an offering to the Muses, or the Nymphs, the others were occupied with the sacrifice; but she laid Plato down among the neighboring myrtles, which were close and thick. As he slept, a swarm of bees, makers of Hymettian honey, settling on his lips, gently murmured, thus foretelling the eloquence of Plato." Plato, therefore, had a natural taste for honey, and uses poetical words compounded with μέλι. We shall, however, cite but a single passage, and that from the Politeia, in illustration of an important truth. It occurs in Lib. VIII. 564, and is in many respects remarkable. We translate it literally, and leave its application to the common experience of human society.

"Excessive liberty readily changes into excessive slavery, both for the private man and the state. Tyranny rises so naturally out of no other polity as out of democracy; from extreme liberty, the largest and fiercest slavery. The disease which enslaves both an oligarchy and a democracy is the same, — the race of idle and spendthrift men, — the most vigorous taking the lead, and the most imbecile following; these we liken to drones, — the former to those with stings, and the latter to the stingless. These men, in any state, disturb it, like phlegm and bile. The good physician and the statesman, no less than the skilful bee-keeper, ought to take precautions long beforehand, first that they may not spring up, but if they do, to cut them out, combs and all."

The Epicureans, as appears from Lucian, Tzetzes, and others, made honey an important part of their diet. Athenæus relates that Democritus of Abdera had resolved to die, and resorted to starvation as the most natural way. But the festival of the Thesmophoria being at hand, the women of his household besought him not to die just then, as they wished to take part in the gayeties of the time. He was good

enough to comply, and, ordering a jar of honey to be placed before him, protracted his life for many days by eating of that alone. When the same philosopher was asked what was the best way of preserving one's good health, he answered, "By keeping his outside moistened with oil, and his inside with honey." Only the last part of the prescription is to be recommended now. The favorite food of the Pythagoreans, also, was bread and honey. The celebrated queen, who indulged a similar taste in the kitchen, while her sordid lord was counting up his treasures in the parlor, was perhaps a follower of Pythagoras, though the rule of five years' silence imposed by the great philosopher upon his disciples works against this hypothesis. The Corsicans were anciently said to owe their length of days to the free use of honey as an article of diet. The ancient nurses gave it to infants very early; and even Jupiter in his babyhood was kept quiet by the same appliance, — much more agreeable, doubtless, than the Corybantian drums with which his attendants attempted to drown his infantine cries. So much for honey and bees among the philosophers.

We ought not to be surprised that the orators afford us so little honey. They use the sting much more. In the conflicts of the Dicastery and the Bema, where the questions involved property, fame, liberty, slavery, life, death, national glory and shame, honeyed phrases had but little place. What could Demosthenes do with them in the Oration on the Crown, or in the life-long struggles with Philip and Alexander? It is doubtful whether he ever tasted honey; it is certain that he never drank wine; and this was made a matter of reproach to the illustrious patriot by his bibacious rivals and enemies.

Of all the ancient honey, that of Hymettus was considered the best. This we have on the unquestionable authority of many ancient writers, Attic and foreign. Aristophanes, already quoted, twice bears witness to the superior excellence of the Attic honey. In the dialogue between Polemos and Trygaios, in the Eirene, the latter begs Polemos to spare the Attic honey, and use another of a cheaper sort.* Strabo says

* Πο. φέρ', ἐπιχέω καὶ τὸ μέλι τουτὶ τἀττικόν.
Τρ. Οὗτος, παραινῶ μέλιτι χρῆσθαι θατέρῳ,
Τετρώβολον τοῦτ ἔστι· φείδου τἀττικοῦ.
Ver. 252 - 254.

that the Attic honey is better than other kinds, and of this that produced on Hymettus is the best, — ὁ δὲ Ὑμηττὸς καὶ μέλι ἄριστον ποιεῖ. Pliny says, "Mellis Attici in toto orbe summa laus existimabatur." Lucian and others speak to the same effect. Of later writers, Synesius of the fifth century, and Tzetzes of the twelfth may be cited. Old Wheeler, the English traveller, says quaintly: "We eat of it very freely, finding it to be very good, and were not at all incommoded by any gripings after it. This mountain was not less famous in times past for bees and admirable honey, the ancients believing the bees were first bred there, and that all other bees were from this mountain, which, if so, we assured ourselves that it must be from this part of the mountain that the colonies were sent, because the honey here made is the best, and that here they never destroy the bees. It is of a good consistence, and of a fair golden color, and the same quantity sweetens more water than the like quantity of any other doth, which they sufficiently experience in making sorbet." Mount Hymettus is one of the most striking features in the Attic landscape. It bounds the plain of Athens on the southeast, and gradually descends to the sea, — the range reappearing on a line of small islands in the Saronic Gulf. It is covered in spring and early summer with wild-flowers, especially the thyme (not to be pronounced *time*, as it usually is, but *thyme*, from θύμος), which loads the air with its fragrance. Botanically it is the *Thymus Zygis*. It is beautifully figured in the Flora Hellenica of Sibthorp, who remarks that the modern Greeks call it "σμάρι, *apum delectamentum*." We have in our possession a fine specimen in an herbarium made by two young "maids of Athens," themselves the fairest flowers, and Sibthorp gives a long botanical description, to which he adds, "flores vero, levi terebinthino gaudent odore, quo cum mel Atticum haud ingrate afficiunt." There is also at Cambridge, in Professor Gray's possession, a fine collection of Greek flowers, — among them all the thymes, — prepared by Professor Orphanicles of the University of Athens.

The human populations of Greece have fluctuated from age to age. Persians, Romans, Gauls, Vandals, Goths, Visi- (and visiting) Goths, Slavonians, Albanians, Turks, have successively overrun the land, until some speculative writers, like

Fallmereyer, declare there is not a drop of Hellenic blood left, — in other words, that the Greeks are not the sons of their own fathers. However this may be decided, the bees of Hymettus are descended in a bee-line from those that clustered on the lips of the infant Plato as he slept among the myrtles; and we still say with the poet,

> "There flowery hill Hymettus, with the sound
> Of bees' industrious murmur, oft invites
> To studious musing.

ART. IX. — 1. *Personal History of Lord Bacon.* By WILLIAM HEPWORTH DIXON, of the Inner Temple. Boston: Ticknor and Fields. 1861.

2. *The Works of* FRANCIS BACON, *Baron of Verulam, Viscount of St. Albans, and Lord High Chancellor of England.* Collected and edited by JAMES SPEDDING, M. A., of Trinity College, Cambridge; ROBERT LESLIE ELLIS, late Fellow of Trinity College, Cambridge; and DOUGLAS DENON HEATH, Barrister-at-Law, late Fellow of Trinity College, Cambridge. Vols. XI. – XVI. Boston: Brown and Taggard. 1860 – 61.

THERE is much in the phrase, "a great name." It is to the credit of our race that a great name has never been acquired but by a great nature. Little natures have had every opportunity, and all that Fate and Fortune could do for them; but their names, in the long run, have remained as little as their natures. Tradition is the mother of History, and the daughter does not soften the report which her mother gives her. She does not soften it, but she seldom falsifies it. History, born out of Tradition, is the Nemesis of the Past. Let living men beware, if they care for posthumous reputation. There are men whose voices are heard afar by aid of clap-trap sounding-boards; but when their voices are silent, their names will be heard no more; the honest and impartial Future will give no echo to the vociferations of the humbug Present. "Wisdom," saith Holy Writ, "is justified of her children,"

and here we may put "Humanity" for "Wisdom." Humanity is, upon the whole, charitably generous, but also sternly just; she pities and protects her dwarfs; but as she does not give them the soul, neither does she give them the fame of her giants. Nor does she deal ungently with her dwarfs. Generally she glorifies them with a delectable self-consciousness. She makes them think that the local is the universal, that the temporary is the eternal, that popularity is power, and that notoriety is fame. To use an illustration from Heine, she sometimes puts the dwarf on the shoulders of the giant, and then the dwarf can see farther than the giant; but, as Heine says, though the dwarf can see farther than the giant, he has not, and never can have, the giant's heart. The trust which Bacon had in posterity was worthy of a great nature, and it has been entirely justified by the immortality of his great name.

It is a good sign of the times and of our country to have a demand for the words of original and primal minds. If human words were ever from the inspired heart of nature, they were those which came from the pen of Francis Bacon. His is among the few creative minds of the world. They have been, indeed, very few; but, make them the fewest, his must be among them.

Every such mind alarms men, and provokes opposition. Even the idea of the syllogism has been ridiculed, and ridiculed by so noble a thinker as John Locke. Yet the first efforts of childhood at reasoning prove the rectitude of the syllogism, and all the achievements of philosophy glorify its triumphs, for they all rest on reason, and syllogism is the method and law of reason. So the argument by Induction was as old in action as human nature, but the man who would first push it into practice passed into fame as its originator. Bacon is this originator, and this is his place in modern philosophy. Aristotle was not the inventor of the syllogism, Bacon was not the inventor of induction; both are equally the children of humanity; and, to the end of time, all that reason will reason — since they cannot reason otherwise — deductively and inductively. Great men of olden times overlooked not the inductive process in thought, but they did not understand its due value; the fame of Bacon lives in the fact, that of all modern men he, and he alone, gave it forth with immortal inspiration.

Messrs. Brown and Taggard are issuing the most elegant and complete edition of Bacon's Works that has ever as yet appeared. It is prepared in England by the united labor of three learned scholars, and is wanting in nothing that ample erudition and critical sagacity can supply. Nor is aught lacking to beauty and convenience which the utmost skill in the externals of book-manufacture can furnish. All that comfort and taste can desire is attained in the size of the volume, the tint and texture of the paper, the correctness and delightful clearness of the printing. It is very remarkable what improvements have of late years been made in the two last particulars, — correctness of type and clearness of letter. The art of printing seemed on its invention to start at once into perfection, manually and mentally. The setter of types and the reader of proofs were, in their respective departments, master-workmen. But then the art began to decline, the artisans became careless, books were confused and dim on the face of the page, and were encumbered with long lists of bewildering *errata* at the end of each volume. It is not so now. Not only have we a distinct and brilliant page, but an admirable accuracy of text. And all this is done so rapidly! To think of it! A huge newspaper is printed in a portion of a night, equal to an octavo volume of five hundred pages, containing all forms of composition, from a recondite dissertation to a puff on "The Industrious Fleas," yet the whole appears at dawn in the most readable type, and void of an important error. This is a modern achievement, not in the least inferior to any of the wonders of which our age can boast, — an achievement in which mind and mechanism must run equally their rapid race together.

The stupendous genius of Bacon has never been a matter of doubt or discussion. The impression of its greatness was at once profound and powerful; it had not, like the genius of many other great men, to await the slow course of time for the revelation of its magnitude. The most that the ablest men of late years have attempted with respect to it has been exposition, — one of the most eloquent of such attempts being that of Lord Macaulay, which, after all, is rather rhetorical than philosophical. This splendid disquisition serves better as a foil than as a commentary, and by contrast shows us the massive

grandeur of Bacon's mind; for if a writer of such power and grasp as Macaulay almost appears shallow or impertinent in the effort to estimate the intellect of Bacon, what must be the might and majesty of the intellect that so dwarfs a great author by its presence. When a man of large dimensions seems small beside another, we then apprehend how huge that other is; for the true size of the symmetrically built giant we do not discern until we see that a burly fellow of six feet looks near him like a boy. And such is the contrast between Bacon and one of his most brilliant and vigorous expounders. The intellectual greatness of Bacon has rarely been questioned by those whose language is English, — for the obstinate and prejudiced hardihood of Coke may well count for nothing, — nor has it been questioned by foreigners of adequate authority. The intellectual homage to Bacon has been continuous and consentaneous. Considering the magnitude and originality of his mind, this seems at first surprising, since all such minds have in the beginning met with contempt and opposition. But the minds so treated have usually been minds that came into contact with some popular idea, belief, passion, or prejudice; or, quite as bad, perhaps worse, with established interests or professional traditions. Copernicus, Tycho Brahe, Galileo, Harvey, and others, were men of this order. Their discoveries in science were demonstrative, and irritatingly touched the nerves of the ordinary faiths and experiences. They at once provoked anger as offensive innovations, and their authors were regarded as insolent dictators. But Bacon, though intellectually the radical of radicals, did not come into contact with those sensitive points of professional jealousy and popular alarm. His thinking was not specific, but generic; it was not this point or that he would attack, or this point or that he would establish; he preached no new creed, he taught no new philosophy. What he did aim at, and what he did accomplish, was to institute new tests of evidence, and a new method of philosophizing. His comprehensiveness saved him from those immediate hostilities to which men more definitely scientific were exposed; and he had not to wait for his fame until progressive knowledge had forever put to silence sophistical pretenders and ignorant gainsayers. Then, deep and broad as the genius of Bacon is, — re-

mote, too, and recondite, as in many qualities it is, — it has also elements in it that are near to humanity, that instantly excite applause, and that stir the sympathetic admiration of every age. His was a genius, great not only in "the large discourse of reason," but quick with *intellectual* emotion, thoughtfully and most humanly wise, as eloquent as it was speculative, and picturesque in all the vivid and concrete analogies which the whole range of knowledge, life, and nature could supply. He was, withal, an orator, a lawyer, a courtier, a statesman, a man of high birth, a man of high rank, a man at last of the highest secular office, next to royalty, — always a man of business and of the world. The teacher of a new scientific truth is, in most cases, very differently related to his contemporaries. He is generally a recluse, usually silent, shy, and poor; far away from the mass, often suspected by the few, and having his methods of expression in formulas and symbols that have no alliance with common language, and that cannot be interpreted to the common mind. All this the genius of Lord Bacon escaped, original and wonderful as it was, because, supreme though it was in reason and thought, it was no less so in fancy and imagination. It was marvellous in new and grand ideas; but they were such ideas as easily transfused themselves into eloquence and poetry, and the eloquence and poetry were as magnificent as the ideas.

About the intellectual genius of Bacon, we repeat, there has been and there is no dispute. But so it has not been as to his moral character. That this should be at all disputed, is presumptively unfavorable to Bacon; for genius like his is not severely judged, and an immortal fame can cover a multitude of sins. There is a cant which insists that the world is jealous of its great minds, scanty in praise, plentiful in censure, unjust in judgment, and unmerciful in penalty. This, like all cant, is false. There are great minds, indeed, which the world does not easily or readily understand, and in its ignorance it often acts toward them with injustice, sometimes even with cruelty. But Bacon does not belong to this order of minds. He was not an outlaw from the world by daring novelties either in science or in creed; on the contrary, he was an active citizen of the world, by office, feeling, habit;

and by mental qualities which the world heartily admires, even when it cannot fully comprehend them, he was one of its acknowledged magnates. To genius which the world can thus feel it is commonly more than indulgent. The errors of such genius are not merely overlooked. Sometimes they are admired, even imitated, and very dark sins are often lost to sight in the halo of its splendor. Men of brilliant genius can almost with impunity be guilty of conduct which would consign ordinary men to hard and hopeless condemnation. Thus it may be, either because the general moral sense is weak against the strength of mental power, or because such power charms and deceives the general conscience, or because there is a spiritual and human worth in such power that outmeasures and outweighs its vices. We have no time for theoretical explanation; but the fact is, men of eminent and vivid genius are not so often neglected sufferers or persecuted martyrs, as they are spoiled and petted favorites. Examples could be cited, but the citation is not necessary, and might seem invidious.

If Bacon has been otherwise treated, he is a strange exception among the great minds whose power has acted directly on the living world, and against whom the living world had no hatred or strife of controversy. It is strange that, if he was comparatively blameless, obloquy should have fallen on his name in his own day, and have clouded his memory ever since. And yet we might refer to the instance of Bacon himself, as an illustration of our idea on the general reverence for greatness and genius. Granting, for the sake of argument, that the accusations against him were calumnies, they have generally obtained credence. But in spite of this belief, his name is held in veneration, and his supposed misdeeds are so referred to, even by those who have judged him the most severely, as to seem of no account in the measure and the majesty of his gifts and acquisitions.

In our day there prevails a strong desire to reconsider and reverse historical and traditional verdicts. Thomas Carlyle is the most recent master of this process. Carlyle brings to it the force of a mind singularly learned, eloquent, *actualizing*, and dramatic; and yet the process shows in our time a want

of imaginative and ideally creative power. In the sphere of *mind*, men do not now *make*, so much as *criticise;* and, with an immense activity of reasoning, they set themselves to take the historical and traditional Past to pieces. This method has been applied to absolve the memory of monsters; and why should it not be applied to exalt the memory of the mighty? Robespierre, it has been made out, was an ascetic patriot. Why should not Attila by and by become a long-seeing civilizer, and his sword of merciless slaughter be considered as the sword of a merciful reform? Let Bacon have all the benefit which such criticism can give him. Our own humble idea is, that he does not need it. He himself left his memory to posterity, and posterity has substantially done it justice. Such a man is above all personal advocates; his only jury is the elect of *all* civilized and learned humanity; and that jury is sure to do him full and impartial right.

Bacon has been attacked in some assailable points of his character. We do not remember that any of his assailants ever, on the whole, failed to admire him, or to pity him with the pity of admiration. Whenever they have mentioned what they considered his faults, they have done so as believing that the faults were proved; and this certainly they had reason to believe, not only from the most solemn judicial verdict, but from the most painful personal confession. Their spirit has not been the spirit of accusation, but rather that of apology, and though they have earnestly stated, they have not vindictively urged, what they could not honestly defend.

But some say now that all this was wrong. One recent defender of Bacon maintains that the highest intellect implies association with the highest virtue. Perhaps so; but this makes no allowance for human infirmities and for casual lapses. The whole mental and moral history of humanity proves that very grand intellectual faculties may be united with occasionally mean or evil doings. David had a great intellect and an inspired soul; yet he seduced the wife of the brave Uriah, let Uriah sleep at his chamber-door, and sent him back to the ranks, in which he boldly battled, charged with a letter for his own assassination. We say that Solomon was wise; but *that* does not hinder us from saying that Solo-

mon was also wicked; yet wickedness is always folly, — Solomon himself being the judge. These instances might be carried link by link along the chain of history. We content ourselves with two or three more cases. Julius Cæsar was possessed of high intellect. But though he was one of the noblest of Romans, one among the greatest of great men, his treacheries and cruelties make us almost ashamed of human nature. The elder Cato, a man of strong intellect, was hard-hearted, and a miser. Brutus, so lauded for his patriotism, was yet not unwilling to turn an "honest penny" in a dishonorable manner. Queen Elizabeth, so much the subject of eulogy in this recent remodelled criticism, was, according to all trustworthy evidence, a flirt, a coquette, a virago, a despot, of harsh temper, of exacting manners; of whims and jealousies more than feminine, yet of stern hardness of heart more than masculine; a mongrel tyrant between the sexes, of which authentic history gives no similar example. Yet no writer tells the truth who denies to Elizabeth high and commanding powers of intellect.

Mr. Hepworth Dixon, notable as the opponent of Macaulay on the character of William Penn, has undertaken to vindicate what he thinks the long-slandered character of Bacon. The English edition is brilliantly reproduced by Messrs. Ticknor and Fields, who may truly be called the Belles-Lettres publishers of America. The book is full of zeal, ardor, and admiration. No doubt can be entertained of its sincerity. Every line of it shows the impassioned love of the author for his subject. There is nothing which enthusiasm and research could do that he has not done to bring into unclouded light the glory of an immortal name.

With what success he has done this, we must leave his readers to decide. We must say — ungracious as the saying may seem, and unwillingly as we declare it — that the premises of his arguments do not lead us to his conclusions. This, of course, may be our fault, and not his. "I am bound," said Dr. Johnson to an opponent, "to furnish you with arguments, but I am not bound to furnish you with brains." If we do Mr. Dixon injustice, we are willing to take the ignominious side of this position.

We admit his minute and careful research. It must have been a wearisome toil to *mouse* among the mouldy documents of the State-Paper Office. But what are these researches worth? For some bald facts they may be of value, — for opinions and deductions they are worth nothing. All contradictories of English historical theories can be proved from the English State-Paper Office. Thomas à Becket may be proved a saint from them, and Henry II. a cruel tyrant; or, on the other hand, Henry II. may be shown to be a patient sovereign, and Thomas à Becket an ambitious, ungrateful, and upstart churchman. We are now told on such authority that Henry VIII. was an amiable and a popular king, and that he did not marry and execute his wives and faithful slaves without the best of reasons. There is no character so dark or gross that it may not be illumined and beautified by a dexterous use of the State Papers; nor is there any character so true and lovely, that may not in the same way be blackened and befouled. The best Protestants appear as miscreants in records of the reign of Mary, and in those of the reign of Elizabeth, martyred Catholics appear only as conspirators and traitors.

The author's manner is unfavorable to his purpose, at least with sober and reflective minds. A style so vehement and convulsive is not the style to impress inquiring and earnest thinkers. Throughout his whole book, he seems excited by the anger of a one-sided controversialist, and uses all the ingenuities of a special pleader. Bacon with him is everything that is good and great. "Of no sect," says the author, "he represents in Parliament the patriotic spirit of all the sects. Not himself a Puritan, he pleads with Hastings for reform; not himself a Roman Catholic, he lifts his voice against persecution for concerns of faith; not a courtier, he votes with Cecil for supplies." All this is historic fancy. The assertions have no sufficient proof from history. If that proof is worth anything, it broadly goes to show that Bacon was wanting in heroic moral qualities; that in the presence of power he was timid and infirm, and that, had his ethical courage been equal to his intellect, he might possibly have done as much for the reformation of society as for that of science. But he was in his active life nothing of a hero, whatever he was in his

contemplative. Arbitrary disregard of right, cruel disregard of law, cold-hearted contempt of the multitude, hard-hearted indifference to the infliction of pain and death, distinguished the rulers of his time; appropriate institutions of the time were therefore the Star-Chamber, the rack, the dungeon, illegal and irresponsible imprisonment, a disgusting favoritism that was a shame to national character, and selfish monopolies that were destructive to national industry and commerce; yet we do not find that to these vices and abuses Bacon offered or attempted to offer any open resistance. We have no more doubt that he, speculatively, was tolerant, than we have that he was intellectually great and wise; we believe also that by nature he was merciful and humane; but still we have no evidence that he met the spirit of tyranny, of bigotry, and of persecution in his day with any direct or vigorous opposition. He knew well the folly and the wickedness of persecution; but he did not remonstrate against it, he did not in protest, action, or indignation put his august authority on the side of human nature, and with all his giant strength rebuke the cruel and inhuman spirit which ruled in high places. It may be said that the age and its circumstances were against him. But if he was in intellect immeasurably beyond the age, why was he not also in his moral nature transcendently above it? Goodness and justice are the highest truth of life, and the great man to whom glory is given because he reaches far beyond the age in the truth of science, cannot have the age for his apology, if he miserably falls short of this truth of life. A great lover of truth should be a lover of *all* truth, a doer of the truth as well as a thinker of it, of practical as well as speculative truth, of truth that is manifested in action, as well as of that which is proved by demonstration. But all that Bacon did not give to philosophy he gave to his own personal affairs. He was intent on office and promotion. He was thwarted and impeded in his struggles by jealous and inferior men, and his natural superiority was hindered from obtaining in due season its natural position. This urgency for place, and the constant effort against obstruction, may have hindered the more free and noble culture and expression of his moral nature, and may have trained him into habits of caution, compliance, and

subserviency, which did not radically belong to his character, — may have hindered the world from giving to the man the same admiration it gives to the thinker. As it is, nothing so proves the wonderful spontaneity of intellect in Bacon as the fact that his grandest speculations were merely incidental divertisements amidst the toils of his official engagements and his political ambitions.

Mr. Dixon is a stanch friend and a good hater. Bacon is his client. He seems to think that Bacon is on his trial, and that he (Mr. Dixon) is the man called by the predestination of history to defend him. He is stalwart and brave in his self-elected vocation. But he means to make out a case for his client at any cost. It is not enough for him to uphold the character of Bacon; he must beat down the character of every one else with whom Bacon comes into contest. We had all supposed that Lord Essex was rash and wrong, unwise, imprudent, though of a generous temper. We had imagined that he held a sort of friendship for Bacon, and we think that the part which Bacon took against him in the fatal political prosecution has been always regarded as much in sorrow as in anger. But all this pathos and poetry of history and tradition, of ballad and drama, disappear in Mr. Dixon's critical analysis. "Essex is poor. Dress, dinners, horses, courtesans, exhaust his coffers. If he cannot pay in coin, he will in place. His servant Francis Bacon shall be the Queen's solicitor. Essex swears it." Such is the manner in which the author presents the relations between Bacon and Lord Essex, and it is certainly not very honorable to either side. Essex pledges himself to Bacon for a place; and Bacon, in that expectation, becomes his servant, does his menial work. But, as Essex fails to obtain the promised appointment, the nobleman must otherwise pay his agent and attorney. We repeat that this representation gives no honor to either party; for while it denies all generosity to Essex, it takes away all disinterestedness and dignity from Bacon. Essex was Bacon's employer, and Bacon was the hired mercenary of Essex. This relation of the parties is stated by the author with still greater clearness and fulness in another passage: —

"Unable to pay his debt by a public office, Essex feels that he ought

to pay it in money, or in money's worth. The lawyer has done his work, must be told his fee. But the Earl has no funds. His debts, his amours, his camp of servants, eat him up. He will pay in a patch of land. To this Bacon objects; not that he need scruple at taking wages, not that the mode of payment is unusual, not that the price is beyond his claim. Four years have been spent in the Earl's service. To pay in land is the fashion of a time when gold is scarce and soil is cheap. Nor is the patch too large; at most, it may be worth £1,200 or £1,500. After Bacon's improvements and the rise of rents, he sells it to Reynold Nicholas for £1,800. It is less than the third of a year's income from the Solicitor-General's place."

So here are two great Englishmen, of high birth, talent, and position, engaged in the meanest barter, — the one willing to pay for service with an office, the other willing to accept the payment, and, when he cannot get it, taking in its stead a paltry compensation. Both men were base, or the age itself was so base as to nullify all reasoning about it which assumes a high standard of character. If Essex was bad through the corruption of the age, Bacon was hardly better. If there was a deluge of general depravity, both morally must sink in it together; and there is no moral or historic ark which could be launched to save the character and memory of the one, which ought not to save the character and memory of the other. One thing is clear, — such a compact imposed on neither side noble or chivalric obligations. If the author's statements are true, History has made a radical mistake, and a vast amount of sentiment and poetry has been worse than wasted.

When, therefore, Essex was prosecuted for high treason, there was nothing to hinder Bacon from engaging in the case, more than any other lawyer who sought for office and worked for fees. It is said in favor of Bacon, that he kept in the background, and seemed to have small liking for his function. It is said also in his favor, that he went through his melancholy task with all due courtesy and moderation. We know that the contrary has also been said, but we are willing to believe the most generous representation. If, however, Bacon was mild to the person of Essex, our author is furious toward his memory. According to his picture, Essex must be placed amongst the darkest villains of history. If history had a daguerrotype

gallery for its scoundrels, such as police offices have for rogues, Essex, according to the limning of Mr. Dixon, should have his portrait hung near to those of Guy Fawkes and Catiline.

Yet men will cherish traditional illusions, and even live in them. Do what you may, you cannot disenchant them. Deep and deadly toward all social and conservative interests as are offences against the state, you cannot transfer to political crimes the infamy of personal ones. When, therefore, it so happens that political criminals have qualities which secure men's affection and admiration, legal or ethical reasoning goes for nothing against the power of sympathy; and sympathy will rule wherever there is no antagonist passion; — nay, it will survive when every antagonist passion has long been dead. It is therefore a misfortune to the memory of any man, when he has been engaged in the prosecution of such a criminal, especially if the prosecutor conducts himself otherwise than in a spirit of elevated rectitude and official disinterestedness. Bad as was Catiline, Cicero has not entirely escaped censure as to speeches and actions against him. There can be no doubt concerning the legal guilt of Robert Emmett; yet the great fame of Plunkett has never been able to throw off the load of obloquy heaped upon his memory by the speech which he made against the unfortunate and youthful culprit. Many lies were told about Plunkett's relation to the case and to Emmett's family, which, years afterward, the great orator took the trouble to refute. But, if we may use a vulgarism, we would say, "Such refutations will not stay refuted"; the old popular convictions will re-appear, and no learned replies will put them down. These convictions become all the more obstinate, when it is seen that interest and ambition have been on the side of the pleader. No impartial persons now suspect the honesty of Plunkett as to the political sentiments which he uttered on the trial of Emmett. But his speech was not a forensic necessity, and politically it served his wealth and his ambition. The same, in the general estimate, was the case with Bacon in relation to Essex. If the part which he took on that occasion did not directly promote, it was coincident with, his objects of wealth and of ambition. Such circumstances are always suspicious. The purest and the most sin-

cere may thus encounter undeserved odium. The remark which Dr. Johnson makes on the change of Dryden's religion, involves the principle that we have been here expounding. "That conversion," he observes, "will always be suspected that apparently concurs with interest. He that never finds his error till it hinders his progress towards wealth or honor, will not be thought to love truth only for herself."

Under Mr. Dixon's guidance we come to the following results: Lord Essex was a profligate nobleman; Bacon was his hired servant; Bacon expected great reward, but had at last to put up with very small wages for very laborious work; Bacon began to find out the naughtiness of Essex, and soberly counselled him on the errors of his ways; naughty Essex did not heed the counsels, but rather grew naughtier and naughtier; he in fact became a wicked conspirator,—and Bacon, pure and patriotic, in the love of queen and country, righteously used his supreme eloquence against a man whom he had once regarded as a friend, and who had been supposed his benefactor. We do not believe that men will generally take the side of Mr. Dixon in this controversy. Their repugnance to it may, indeed, be prejudice; if so, it is a prejudice that does not speak badly for human nature. That Bacon was commanded by the queen to do what he did, has small force against this prejudice.

Bacon, as Mr. Dixon represents, was no timid friend; but he was a brave and loyal subject. Bacon, according to the author, was never a timeserver or a flatterer. Yet Bacon, as can be seen in his own works, addresses James in the most fulsome terms of eulogy, even on matters in which he must have known that James was a charlatan. Bacon must have thoroughly known James, known him exactly as he was; for his insight into character was as keen as his intelligence of nature was comprehensive. Yet he addresses extravagant praise to this timid tyrant, this shambling autocrat, this unbelieving persecutor, this silly twaddler, this white-livered bigot, this ungodly egotist, this measureless and unscrupulous liar, this unmanly abortion, born without natural courage or natural affections, this maudlin master of dirty favorites, this learned monkey, this strutting incarnation of all

wretched vanities and contemptible pretensions. Such is the creature whom the mighty Bacon deigns to applaud. James, forsooth, was the second Solomon; but that did not hinder him from slowly wearing out in prison the best years of Raleigh, and from at last, in a spirit cowardly and cruel, sending him to the scaffold; it did not hinder him from draining the resources of the state to feed the debaucheries of his infamous pets; it did not hinder him from torturing poor Peacham, and sending to the stake Legat and Wrightman. This James, whom Bacon never resists, has the unenviable distinction of being among the latest European potentates who burned men for religious opinion, and who continued the use of torture.

Partisanship or hero-worship has in our time become a prevailing spirit in history and in biography. Calm and impartial truth few writers are willing to find out or tell against the era which they patronize, or the idols to which they bow down. There are Protestant historians and novelists who can see only righteousness and glory in the reign and character of Queen Elizabeth; Catholic historians and novelists who see only piety and purity in the character and the reign of Mary. Yet in the reign of Mary Protestants were burned by hundreds, and in the reign of Elizabeth Catholics were also by hundreds racked, hunted, hanged, — all, not only with the consent, but with the approval of these unnatural women. Lord Burleigh, as Hallam shows, had the cowardly disingenuousness to prevaricate as to the use of torture in England. It was only a very gentle sort of torture. This puts us in mind of an incident. "By the by," said one young man to another, "are not you married?" "Yes," replied the other, "moderately." So it was with Lord Burleigh's torture. The government tortured only "moderately"; no man, woman, or child was injured by it. Here is the case of a tortured woman, who was bruised to death in York, March 25th, 1586, as described by an eye-witness: —

"The place of execution was the tolbooth, six or seven yards from the prison. After she had prayed, Fawcett, one of the sheriffs, commanded them to put off her apparel; when she, with four women, requested him on their knees that, for the honor of womanhood, this might be dispensed with. But they would not grant it. Then she

requested that the women might unapparel her, and that they would turn their faces from her during that time.

"The women took off her clothes, and put upon her the long linen habit. Then very quietly she laid herself down upon the ground, her face covered with a handkerchief, and most part of her body with the habit. The door was laid upon her; her hands she joined towards her face. Then the sheriff said, 'Nay, ye must have your hands bound.' Then two sergeants parted her hands, and bound them to two posts. After this they laid weight upon her, which when she first felt she said, 'Jesu, Jesu, Jesu, have mercy upon me!' which were the last words she was heard to speak. She was in dying about one quarter of an hour. A sharp stone as much as a man's fist had been put under her back; upon her was laid seven or eight hundred weight, which breaking her ribs caused them to break forth of the skin.

"This was done to Margaret Middleton, the wife of Clitheroe, a rich citizen of York, who, for standing mute, suffered the '*peine forte et dure.*' She had harbored a priest in quality of a schoolmaster; and at the bar refused to plead guilty, because she knew that no sufficient proof could be brought against her, or not guilty, because she deemed such a plea equivalent to a falsehood." — *Lingard's History of England*, Vol. VIII. pp. 473, 474.

Blackstone maintains that torture is contrary to the letter and the spirit of English law. Hallam contends for the same doctrine. English law holds human life sacred, and not to be taken, until crime, legally proved, subjects the culprit to the penalty of death. Even on simple, painless examination, no man by English law is obliged to criminate himself, — how much less then, by agony, to accuse himself and others? The individual right to life involves, as Blackstone teaches, that of health and limb; all such rights are to be reverently regarded and thoroughly protected, and every man is to be considered innocent until he is upon sufficient evidence condemned. Old Burleigh asserts that no torture was used in England so as to cause bodily hurt or injury to any person. It flattened, however, the body of poor Margaret Middleton, and crushed the life out of her. The atrocious absurdity was carried into the reign of James I. We have still in existence *manual* evidence of the paralyzed and dislocated wreck in which it left the man to whom it was applied. Before Guy Fawkes was put to the "question," he wrote his name with a bold and firm hand; but he could not afterward stagger through a portion of it.

Mr. Dixon re-tries the case of old Peacham, and not at all to the advantage of old Peacham, nor, as we think, very successfully to the vindication of Francis Bacon, of Bacon's co-officials, or of the king. We think that this historic and moral accusation remains unrelieved, and the guilt of the parties concerned in it involves an essential inhumanity, such as no special pleading can set aside, such as nature must always abhor, such as the moral sense of mankind execrates, such as every advancing age must regard with increasing disapproval, with wondering and indignant sorrow. Yet the fact of great men's taking part in the crimes of their age against human nature, is not so lamentable as the modern sophistries by which the criminals are defended. Those great criminals may have been wrong by perversion, by mistake, or by means of influences and temptations which overruled their better knowledge, and which they had not strength of conscience to resist. But when advocates not only excuse but justify them, not only justify but glorify them, these advocates are false to the instincts of history, and this falsehood tends to corrupt the moral sense of the present age, and to confuse our moral judgment upon past ages. Who can doubt that Bacon as a man *felt* that torture was inhuman, — that as an historian he knew that it was not customary in England, but unusual, — that as a scholar he had read edicts of many English kings, which recommend merciful justice, and denounce cruelty, in the administration of law, — that as a jurist he was aware that torture was not consonant with English law, that it was a despotic assumption, a savage and illegal innovation? If then, in spite of human feeling, history, scholarship, and law, he gives torture the sanction of his presence and authority, why should he not suffer the penalty which posterity inflicts on the wrong-doing which connects itself with immortal names?

We would willingly enter no further into this matter; — but leaving it here, we should not be intelligible as to the ground of our statements and conclusions. We will therefore briefly present this Peacham case, first in its broad historic view, and secondly in Mr. Dixon's special view.

Edmund Peacham was an old clergyman of Somersetshire. He was not, it seems, contented with the government or the

times, and he scribbled very hard sayings about them in the privacy of his study. Among these scribblings was a manuscript sermon, never preached, never published, and, as the author averred, never intended to be preached or to be published. The man became suspected, and his papers were seized. In the course of this sermon he spoke with contempt of James's life, of his prodigality and follies, of his favorites and dogs. He wounded the vanity of James, and this must have been a direful offence. The old man was dragged to London, and committed to the Tower. The king would have it that his crime was high treason, and wrote a tract — "The True State of the Question" — to prove it. Coke, the Chief Justice, would not admit that such was the true state of the question. In his judgment the offence was a criminal slander, but not high treason. James loved argument, but, like every weak reasoner, he had a hard will and a vindictive temper. Old Peacham was put to the torture, and was examined, according to Secretary Winwood, on twelve interrogatories, "before torture, *in* torture, and after torture." *Bacon was present.* He was also the agent of the king to consult with the judges separately, one by one, on this case. Every person ought now to be aware that, in the days of James, such consultation implied — whenever the crown and the subject were opposed — both threatening and command. Yet the mighty Bacon was agent in such a business. Coke declared this proceeding illegal. Old Peacham was carried back to Somersetshire, was there tried for high treason, was found guilty, was not sent to execution, but saved all his prosecutors the last remorse of shedding an old man's blood, by dying soon after in Taunton jail. The verdict of a coroner's jury might properly be: "Died by the visitation of God, of torture, imprisonment, and old age." The king had his way and will; he defined treason as he pleased, and he had judicial and executive officers to give to his way and will the force of law. Bacon was among them.

But here is Mr. Dixon's view: —

"Evidence remains in the books at Wells, and in the records of her Majesty's State-Paper Office, to prove that he was one of the most despicable wretches who ever brought shame and trouble on the Church. It is there seen that he was a libeller. It is there seen that he was a

liar. It is there seen that he was a marvel of turbulence and ingratitude. . . . . It is in evidence that he outraged his bishop by a scandalous personal libel, and that he did his worst to get the patron to whom he owed his living hung."

We care nothing about the character of old Peacham, except as statements about it have reference to the principles of historical and moral reasoning. We submit that these are general assertions; they are not specific statements, and are not supported by specific proofs. Old Peacham may, for aught we know, have been a sad sinner; but we do know that any clergyman writing against his bishop is not likely to have a good report in the diocesan record, and that any man writing against "Prerogative" in the time of James could not have in the "State Papers" a good character. Peacham did indeed criminate persons; but it was not till after torture, and we read that in such circumstances people have, in the worst way, criminated themselves. This monstrous old Peacham, Mr. Dixon informs us, declared that "the king himself was a creature not alone unfit to reign, but unworthy to bear the name of Christian or of man," — all of which we "most potently and powerfully believe"; and we hold, moreover, that, if not prudently, it was "honestly set down." "Winwood," says the author, "put him under question; when the odious old sinner falls into deeper and more odious sin." The odious old sinner, put into terror of his life, no doubt tells all the lies which he thinks will cause his tormentors to spare him. But they do not; and then our author coolly informs us: "*Peacham must be interrogated as Guy Fawkes was interrogated.*" The italics are ours, and we hope that our readers will keep in mind what we have said on the interrogation of Guy Fawkes. Immediately preceding this terrible phrase the author says: —

"Here are seditious libels against the crown, of which Peacham asserts that he shares the authorship with Sydenham and the privity with Paulett and Berkeley. How is Winwood to prove the mystery? *The law has but one course. Peacham must be interrogated as Guy Fawkes was interrogated.*"

And this is set down by a writer of the nineteenth century. It is not true. English law was, in the torture of Peacham, or of any one, grossly violated. It is hardly so bad that James

caused the violation, or that Bacon witnessed it, as that any man in our day should call the abominable atrocity by the sacred name of law. Whether old Peacham was virtuous or vicious, we think that he was not only unfairly and unjustly treated from the beginning to the end, but we have the best authorities for saying that he was illegally treated. Bacon consented to it all; in thus giving to injustice his agency and authority, he made himself a culprit before the moral judgment of history; and this historic verdict Mr. Dixon has not refuted or reversed.

Did Bacon in his judicial capacity accept bribes? This vexed and painful question has been so often and so thoroughly discussed, that we will not here open it again, and we wish that it had long ago been given to the charity of silence. We do not think that, as to the substantial accusation, the minute inquiries and distinctions of Mr. Dixon have in the least cleared the memory of Bacon. The income of judges was, he says, in the time of Bacon, derived from fees, as that of attorneys and counsellors is in our own time. There is here no just analogy. The payment of a judge by fees has no likeness to the payment of an advocate. The judge is supposed to hold between contending parties the relation of impersonal and immutable justice. This is the ideal of a judge; and notwithstanding the many gross contradictions to it in fact, the least civilized races and ages hold to it in principle. If such an official is paid by fees, they are established by some rule, which he does not make, and cannot honorably violate. Even in our own day there are offices, which are at least semi-judicial, that have incomes from fees, but to whose incumbents no suspicion of dishonor does on that account adhere.

An advocate is very differently situated from a judge. His talent is at his own disposal, and whatever people are willing to pay for the use of it he can honorably accept. If two parties wish to engage him, he has the choice between them, and, without any social blame, he may take the side on which he receives the largest fee. But to do this would be the direst infamy in a judge. Moreover, an advocate must for the time belong only to one party, and for that party he is bound honestly to do his best. An honest judge can belong to neither party, and as he cannot equitably take money from either

party for justice, neither can he for his talent. The laborer is indeed worthy of his hire; but the labor of a judge is sacred, and he must take no hire which would throw even the shadow of suspicion on its sacredness. The advocate disputes; the judge decides. The advocate is, by necessity, a partisan; the judge is, or ought to be, the trusted representative of social equity, and his official character should be a security for universal confidence. Even an advocate is under bonds and conditions. He must not take wages, and be unequal to his work. He must not take wages, and be negligent of his work. In the one case he is an impostor, and in the other he is a rogue. He must not take money from opposing parties, for then he enters into incompatible engagements, and is both an impostor and a rogue.

A fee may be no more dishonorable to a judge than it would be to an advocate, but there must be this difference: the fee to the judge must be a legal and a fixed one; the fee to the advocate is personal, voluntary, and subject to the marketable values of ability, reputation, and success. If the judge accepts from any party *that* which the state does not allow him, he violates his trust, he abuses his office, and he takes a bribe. If the state does allow to its magistracy the liberty of receiving indiscriminate bounties from suitors, the state is worse than barbarous, is below a condition of law, and wanting in that which is the essential life of a state, — an organic constitution for the due and impartial administration of justice.

"Bribe" is a hard word. It is a term from which the basest and the most corrupt men shrink. The vulgar malefactor who sells the testimony or perjury which sends his accomplices to the gallows, will not admit to others, or even to himself, that the price paid him was a bribe: it was simply a reward. Calcraft, the notorious English executioner, would consider it foul insult if the exorbitant hire of his hangman-labor were called a bribe. It is merely a professional honorarium. The rascal who barters his vote, whether as elector or representative, for money or for office, will not in the secrecy of his own mind confess that he has been *bribed*. His pay or place he cannot bear to regard as venal; the pay was only recompense for his time and trouble; the place was due

to his abilities. And we must say, that in these vile matters the lowly sinners are not the worst. Poverty is in itself a dire temptation, and in lowly transgressors it is often poverty that consents, and not the will. For this reason, if for no other, while we punish the lowly, we must not spare the exalted. It is right that a venal motive should be stigmatized by an infamous word, and "bribe" is such a word. It is a plain word, a short word, a strong word, and it is no wonder that even villains shrink from it. An assassin may be hired, but he cannot endure to think that he is *bribed*. A criminal more guilty than ten thousand assassins may sell his honor and betray his country, yet he will not recognize that the dirty wealth which has been thrown to him, as burglars would throw poisoned pudding to a dog, was a "bribe," a deadly deception, which kills while it satiates. So strong in human nature, so obstinate in the "last recesses of the mind," is the sense of honor and conscience, that men, and women too, who most basely violate it, seek for terms which disguise the violation. They can commit the sin, but they revolt at the word which distinctly defines it. They seek to save some remnant of self-respect by translating the names of their vices into the language of circumlocution and evasion. These are the fig-leaves with which they would hide their shame. "Bribe" is truly an infamous word; and to apply it lightly to the character of others may be almost as bad as to deserve its application to one's own character.

We do not wish to accuse Bacon of bribery in the worst sense. We allow much for the manners of the day. We take also into account the peculiar temperament of the man. His tastes were on a large scale, as well as his thinking. The age was not wealthy. Yet from men of station it demanded enormous expenditure. Bacon in this respect entered fully into the spirit of his age. He had an innate sense of true beauty and true grace; yet withal he loved the show, the pomp, and the magnificence which the age exacted from its aristocracy. He spent lavishly, and he had never spared; he was in money matters simple, careless, and easy: so he got thoughtlessly into difficulties, then into temptation, then suddenly he fell, and into a depth which his mind, foreseeing and great though it was, did not anticipate or measure. The vindication of

truth and justice does not require that we should condemn Bacon as mean and sordid; but neither does the best apology for Bacon demand that we should pronounce him upright and innocent. Bacon, no doubt, generous and good-natured, suffered much through the vices of his servants; and he, the grand iconoclast of mental idols, became himself the victim of social falsehoods and illusions.

If Bacon was as entirely clear in the grave affair of presents — we will not call them bribes — as Mr. Dixon would have us to believe, then his character is the most marvellous puzzle and paradox in history, and history itself may fitly be considered as no better than an old almanac. If Bacon took only customary fees, then he was in no sense to blame, and he should have stood manfully on his integrity. He should have defied his accusers, and, with the right upon his side, he must have beaten them. It is strange, too, that the verdict should have been so unanimously against him. It seems to have been so hopeless a case as to reduce even friends to silence. That Bacon should have been so deserted in his hour of sorrow is passing strange. If he had only done what all other judges were habitually doing, it seems impossible that he could ever have been driven into this indefensible position. Bacon, on the showing of Mr. Dixon, was not an unpopular or unloved man; why then was there no public protest against this treatment of him? That the Lords and Commons of England, as well as the public, should conspire for the ruin of a lofty and admired man, is a problem which we cannot solve, or even understand. Bacon was envied. So is every man, small or great, who has advantages over others. The man who wears by necessity a dirty shirt envies the man who regularly wears a clean one; the man who has but one shirt envies the man who has a dozen; and the man who has only the upper front of a shirt envies the man who possesses the whole garment. It is the same with mental and social advantages. But no envy of Bacon's mental or social superiority can account for the general assent to his condemnation. There was no popular dislike to him, and at court there was against him no vindictiveness. If the king did not deeply understand him, or cordially like him, he seemed most sincerely to admire him, and gave him the fullest

confidence. Yet this king, despotic as he was, had to succumb before the strength of the prosecution; but by the intervention of his pardoning prerogative he generously shielded Bacon from the worst of the terrible sentence pronounced against him. This proves that against Francis Bacon there was no severe or bitter feeling in the heart of the king; and that the royal clemency was never censured, shows that against Francis Bacon there was no severe or bitter feeling in the heart of the nation.

The greatest difficulty in this problem, however, is the confession of Bacon himself. He either told the truth in that confession, or he did not. If he told the truth, he was guilty; if he did not tell the truth, he was a liar, a coward, and a hypocrite. The defenders of Bacon's absolute innocence provoke the statement of this unworthy alternative, and fix upon him, by their side of the dilemma, a baseness of which the severest of his critics have never accused him. They would, in fact, justify the superlative epithet of contempt which constitutes the point of Pope's famous line. Pope usually thought more of pungency than of truth, as most wits do. The line is really unworthy of serious notice, and has had no lasting influence against the genuine fame of Bacon. With this even Bacon's own deepest faults do not interfere. Give him credit for sincerity in the confession of them, there is moral sublimity in the sadness of his contrition, and an everlasting lesson to the world. Refuse such credit, sophisticate motive, explain away fact, — try to make out that Bacon was not a penitent, but a saint, — you then, knowingly or not, do deadly harm to a great man's memory, and, in mistaken zeal, add injury to insult.

"The lie against nature in the name of Francis Bacon," writes Mr. Dixon, "broke into high literary fame in Pope. Before his day the scandal had only oozed in the slime of Welden, Chamberlain, and D'Ewes. Pope picked it, as he might have picked a rough old flint, from the mud, fanged it, poisoned it, and set it on his shaft: —

'Meanest of mankind!'

What if it be a lie? May not a lie kill?

"It was not the only scum which in Pope's day frothed to the head. What man then believed in nobleness, even in intellect, unless that in-

tellect were of the lowest type, or served the basest cause? The sole end of wit was defamation, the sole end of poetry vice. Of pure genius there was little, of high virtue less. All glorious characters, all serious things, if not gone wholly from the minds of men, lingered in their memories only to be reviled. When Bacon became the meanest of mankind, Raleigh was assailed, and Shakespeare driven from the stage. Rowe was tainting our national drama, St. John undoing our political philosophy, Hume training his mind through doubts of God for the task of painting the most manly passage-of-arms in all history as our greatest blunder and our darkest shame. How could Francis Bacon have escaped his share in this moral wreck?"

We must soon come to a close, and we will approach it by a few remarks on this passage.

The wicked, sceptical, miserable, and altogether-to-be-condemned eighteenth century has had many hard blows; but here is a shower of them, delivered with the utmost force of rhetorical pugilism, particularly against the English portion of it, and especially the days of Pope.

It is most extraordinary if ten syllables of Pope did more injury to the memory of Bacon than the terrible verdict of King, Lords, and Commons, and the sadly solemn confession of the great man himself. If this be so, "the satirical rogue" might well boast that those were afraid of him who feared not God. We do not think that Pope's day deserves all the hard things Mr. Dixon says of it. Pope was born in 1688, and died in 1744. Take the intellect of the day: was it of the lowest type, and did it serve the basest cause? Or, if not, had it yet none to believe in truth, none to admire or sustain it? Among the intellects of this period, and belonging to the share of England in science and speculation, we may begin with Newton. Pope was thirty-nine years old when Newton died, and consecrated the memory of Newton in an epigrammatic epitaph which is something more than praise, and little short of blasphemy: —

> "Nature and Nature's laws lay hid in night;
> God said, Let Newton be, and all was light."

After Newton, we may mention Halley and Maclaurin. In the speculation, theology, and criticism of that day we find the names of Berkeley, Hutcheson, Clarke, Waterland, Doddridge,

Sherlock, Bentley, and Bishop Butler. These men were not merely men of intellect, but also men of high virtue. What Mr. Dixon may consider "pure genius" we cannot say. Genius, in the conventional limitation of the term, is mostly confined to power in imaginative literature. In this sense, or any other, England in the eighteenth century was not void of genius, not even in the part of that century which we may call "the time of Pope." But not measuring *that* time too strictly, we may credit to it De Foe, Addison, Steele, Congreve, Richardson, Swift, Pope, Young, Allan Ramsay, Thomson, Fielding, Sterne, Gray, Smollett. These may not be considered as having had the most lofty inspiration, but we know not where their names can be placed if not in the category of men of genius. We know not in what age some of them could be equalled. Was "the sole end of wit defamation" in Addison, Steele, Fielding, Congreve, or even in Swift and Pope? Raleigh, it seems, was assailed at this period, but, worse still, he was beheaded in another, yea, by the tyrant whom Bacon served, and who made Bacon Lord Chancellor of England in the same year (1618) in which he cut off the head of Raleigh. If rude speech on the memory of Raleigh was wrong in the day of Pope, what shall we say of silence in the day of Bacon, when a great word from a great man should have been spoken for one who was a brother in his greatness? But that word was not spoken.

The manner in which Mr. Dixon refers to Hume, every candid mind must regret and reprobate. Hume alludes temperately to the alleged faults of Bacon, and, referring to him intellectually, writes: "The great glory of literature in this island during the reign of James was Lord Bacon." The application by Mr. Dixon to Hume of the *odium theologicum* was therefore as uncalled for as it was undeserved. The idea of Hume's "training his mind through doubts of God" for writing his History, is as illiberal as it is absurd, the mode of stating it as illogical as it is illiberal, and the rhetoric as bad in taste as it is in temper. Hume had nothing to do with the charges against Bacon, and to abuse Hume is not to defend Bacon. Hume as well as Bacon was a great thinker, and while language and thought exist, Hume's name as well as that of Bacon will continue among the memories which the world will not allow to die.

Mr. Dixon seems to ascribe to the time of Pope a peculiar disregard to all high genius. Shakespeare was put away from the theatre; nevertheless he was praised, edited, abundantly printed; and shortly after the time of Pope, Garrick flashed like lightning on the stage, and so opened the depths of Shakespeare's power as living men had never before seen them opened. The stage of the time was indeed poor in tragic writers, but it was not wanting in comic, while in both tragic and comic authors it was rich compared with the paltry and plagiarized dramatic writing of our own day.

But worst of all crimes chargeable on that period, in Mr. Dixon's estimation, was its treatment of the character and memory of Bacon. Yet the critics who have done the greatest moral damage to that character and memory belong to the present, and Mr. Dixon, accordingly, with a mixture of sadness and severity, takes to task Lord Campbell and Lord Macaulay. Both of these men, however, have done justice to the genius of Bacon, and neither of them could have maliciously purposed to do injury to his character. With no intention to do wrong to Bacon, they were zealous to do right to morals, and their judgment was what the broad and open view of facts seemed to warrant. If they have misjudged Bacon, it was from no want of admiration for his greatness, nor yet from any indisposition to believe the best as to his character.

It is not true that Bacon was peculiarly depreciated in the age of Pope. On the contrary, we meet high and reverential mention of him by writers of the period, who had the greatest number of readers, and commanded the readiest attention. There is, we admit, a shallow and paltry criticism in "The Guardian" (1713) on Bacon's historic style; but here is the spirit in which a writer in "The Tatler" (1710) refers to Bacon's genius. The idea of the essay is, that "the greatest and wisest men in all ages and countries were renowned for their piety and virtue."

"I shall in this paper," the writer observes, "only instance Sir Francis Bacon, a man who for greatness of genius, and compass of knowledge, did honor to his age and country, — I could almost say to human nature itself. He possessed at once all those extraordinary talents which were divided amongst the greatest authors of antiquity.

He had the sound, distinct, comprehensive knowledge of Aristotle, with all the beautiful lights, graces, and embellishments of Cicero. One does not know which to admire most in his writings, the strength of reason, force of style, or brightness of imagination."

Here is the manner in which a writer in the same periodical (1709) refers to Bacon's character. The writer is alluding to eminent persons who suffer injustice from their contemporaries.

"All that is incumbent on a man of worth," he says, "who suffers under so ill a treatment, is to lie by for some time in silence and obscurity, till the prejudice of the times be over, and his reputation cleared. I have often read with a great deal of pleasure a legacy of the famous Lord Bacon, one of the greatest geniuses that our own or any country has produced. After having bequeathed his soul, body, and estate in the usual form, he adds, — 'My name and memory I leave to foreign nations, and to my countrymen after some time be passed over.'"

Bacon is thus alluded to in "The Spectator" (1712): —

"One of the most extensive and improved geniuses we have had any instance of in our own nation, or in any other, was that of Sir Francis Bacon, Lord Verulam. This great man, by an extraordinary force of nature, compass of thought, and indefatigable study, had amassed to himself such stores of knowledge as we cannot look upon without amazement. His capacity seemed to have grasped all that was revealed in books before his time; and not satisfied with that, he began to strike out new tracks of science, too many to be travelled over by any one man in the compass of the longest life. These, therefore, he could only mark down, like imperfect coastings on maps, or supposed points of land, to be further discovered and ascertained by the industry of after-ages, who should proceed upon his notices or conjectures."

These, we submit, do not sound like the utterances of an age that repudiated Bacon, either as a man of genius or a man of social and moral worth.

We are now near the end of our task. It has not been to us a gracious or a pleasant one. The spirit in which we have looked at the subject has not been quarrelsome or captious. We have the utmost desire that every great man — if so it could be — should have a spotless reputation. The most lowly should have protection against calumny, as well as the most exalted; but the lowly are soon forgotten, and the scan-

dal goes as rapidly into oblivion as its subjects. It is not so with the exalted. They are the property of Time, History, and Humanity; and their crimes or virtues become as memorable as their names. Every effort, therefore, to clear such names of bad report, is just and generous. Whatever we may think of Mr. Dixon's book as to its logic or its literary merit, we respect the author in his purpose and his motive. He has labored diligently to remove all clouds and shadows from a mighty reputation.

But the greatest man is small in the presence of a great principle, and let what may become of the man, the principle must be maintained. If the principle is sacrificed, the cause of truth and right suffers, but the man is not saved. Be faithful to the true principle, and the true principle will always in the long run justify the true man. We must not try to force historic judgments, for in such efforts we shall be more likely to confuse the moral instincts of the public than to rectify them.

We hold Lord Bacon in reverential admiration. He was one among the small number, the elect upon earth, that intellectually can truly be called great. We bow down our minds in homage to his power, and pay to it all the deference which one of the sublimest of images of Divinity should have. We give this tribute not only willingly but enthusiastically. We are glad in the recognition of every sublime mind, and Bacon was one of the sublimest. We rejoice that publishers undertake to circulate his works, and that critics are laboring to vindicate his character.

But he was a man immeasurably beyond the common size. The human race can hardly produce a judge fit to preside upon his trial. The ordinary mind in gauging such a man seems like a mosquito on the step of a pyramid, or a flea leaping about on the solemn face of the Sphinx. If it is difficult to find a judge for such a man, how much more difficult must it be to find a jury! for the trial by jury means the trial of a man by his peers. Where, then, shall we look for juries on men upon the scale of Bacon? And yet men even like Bacon are not above or beyond trial. There are moral instincts that in history hold the greatest to account, instincts by which

they are surely, and, as we think, justly judged. But whatever exceptional censures these men may merit or incur, the humanly great in them cannot fail of the world's best memory and worship. They are men of vast capacities, they can and do commit great sins; the sins, however, are merged in the magnificent worth of their general deserving, and in spite of their failings the heart of humanity throbs toward them as immortal benefactors. Bacon was one of those benefactors. Bacon had a great nature, a great human nature. If he sinned deeply, he confessed humbly; and despite of all the worst faults charged upon him, his character still ever remains grand to the intellectual and moral judgment, to the intellectual and moral imagination of the world: to this judgment and imagination the fondest of admirers may safely commit the character of the immortal Francis Bacon. To discuss it is almost to insult it.

Art. X. — 1. *The Early History of Michigan, from the First Settlement to* 1815. By E. M. Sheldon. New York: A. S. Barnes & Co. 1856.

2. *Old Mackinaw; or the Fortress of the Lakes, and its Surroundings.* By W. P. Strickland. Philadelphia: James Challen and Son. 1860.

3. *System of Public Instruction and Primary School Law of Michigan, with Explanatory Notes, &c.* Prepared by Francis W. Shearman, Superintendent of Public Instruction. Lansing. 1852.

4. *Catalogue of the University of Michigan.* Ann Arbor. 1861.

Next to the interest to be derived from tracing the development of a remarkable individual character, we may place the pleasure and profit consequent upon a careful survey of the successive steps by which nations, or the separate states of a nation, have lifted themselves from a wild and savage condition to prosperity and power. And, as in the former case we

give more earnest heed to the early records of those lives which have come to greatest and best results, so in the latter we dwell longest upon the history of those regions which, with great natural capabilities, have received the most fortunate care.

The rise of the United States of America to place and prominence among the governments of the earth, is unprecedented and marvellous. Viewed in comparison with the long and tedious processes by which the countries of the Old World were gradually civilized, theirs is a brilliant and startling history; a verification, in a secular sense, of the prophecy, that "a nation shall be born in a day." But if this be noticeable in the States united, it is especially true of those single States which have more recently been added to the Union. The very latest accessions are too new to allow of any valuable judgment as to their promise; but of those which are still so young as to be included in the comprehensive term "Out West," there is much to learn that is inspiriting and useful.

Michigan, in her early history, the most romantic and eventful of all the sisterhood, in her present condition of rapid and steady progress, and in her future promise of desirable position and unfailing resources, is well worthy the attention of the wise and thoughtful men of this age. Already is her fame so far established as to admit of looking up her antecedents and establishing her pedigree; a task which we find to have been carefully and lovingly performed in a book, published a few years ago, under the title of "The Early Days of Michigan."

These pages carry us back to the time when the capacities of the great Northwest began to be regarded with prudent eyes by the statesmen of the Old World, and their delegates in the New. By a kind of tacit agreement, this part of the continent had been left to the French; the English having appropriated the middle, and the Spanish the southern portions. The cheerfulness of disposition and restless spirit of adventure which characterize the French nation enable them to make light of the drawbacks of a cold and inhospitable climate; so we find them settling in their new territories with a good grace, and making the most of the few natural advantages they pos-

sessed. But that star of empire which had guided the daring wanderers to Canadian wilds still went before, and beckoned them westward, till it stood over the cradle of future promise, — the beautiful region of the Lakes.

It is a striking proof of the sagacity of the Indian race, that, without chart or compass, they always succeeded in selecting for their favorite places of meeting the most eligible positions in the whole range of their wanderings, — spots which were not only the best adapted to serve their own convenience, but as to which the superior knowledge and advanced needs of their successors have abundantly justified their selection. Accordingly, we find that the site of the present city of Detroit, and the site called Old Mackinaw, commanding the entrance to Lakes Superior, Huron, and Michigan, were early known and occupied as head-quarters by the savages. From the war-songs and traditions of the various tribes, we gather that there had been many and cruel struggles for the possession and maintenance of these important points. But the "pale-faces" were welcomed by all, and the inducements offered in the way of trade gave to the French an easy and peaceable entrance.

Nor was this first success vitiated by subsequent imprudence. The French seem to have been kind and genial neighbors, indulgent and considerate masters. The early efforts of the Jesuits, among whom were Raymbault, Mesnard, Allouez, and Marquette, who not only labored, but died in the strife, had created a feeling of filial reverence toward the French king and his representatives in the hearts of the warlike but simple natives. It is curious to read of the innocent devices by which the French officials contrived to explain their ideas of justice to their untutored brethren; and in how frank and childlike a spirit their separate interests were harmonized. In fact, it was not till the jealousies arising between the different orders of Romish priests had begun to make trouble among diplomatists and officers, and the influence of the English had encroached upon the prosperity of the French traders, that the Indians awoke to a sense of the existence of "lords many," and set their native shrewdness and duplicity at work to discover the stronger side, and to mark out their own consequent policy. But after these various interests had once come

into play, there was no further security; and his was an unenviable position who stood at the head of Western affairs, in the feeble little fort at Detroit. The man who, in the most trying times, showed the best ability to meet and guide them, was M. de la Motte Cadillac, who held the post from 1696 to 1711, a period of fifteen years. He was appointed while Count Frontenac was Governor-General of Canada, — himself the best possible man for his place, whose very name was a word of power among the savages.

The letters of M. Cadillac to this functionary and to his successors are remarkable and intensely interesting productions. They describe the state of affairs in the little colony with the vivid freshness of a picture, while his account of the evil influence of the Jesuits, and his own constant endeavors to counteract their plans, show us a naïve simplicity and directness which, when brought into action, must have proved an awkward obstacle to those crafty and politic schemers.

It appears that, in order to secure the immense fur-trade of the Northwest for France, the merchants engaged in that traffic organized themselves into an association, known as "The Company of the Colony of Canada." The Directors of this Company were Jesuits, and sympathized strongly with their reverend brethren scattered throughout the West as missionaries. Their principal point was Michilimackinac, and it was for their interest that this post should be maintained, as in case of its abandonment the Indians would no longer make their annual visit to Montreal, with presents for the Governor-General. On the other hand, La Motte Cadillac, the first strong ruler at Detroit, was a Franciscan, and a cordial hater of the Jesuits. The chaplain of the fort was a Franciscan monk, and a house of Recollets was early established in the town. The missionary to the Indians was indeed a Jesuit, but that society could not hope to gain the chief power over such counteracting influences; and hence their determined endeavor to destroy the post, especially as it might easily be placed in more direct communication with Montreal than Michilimackinac could possibly be in the event of an Indian war.

With these selfish motives at work, under the powerful machinery which the Jesuits always brought to bear upon any and

every opposing force, poor Cadillac led a weary and harassed life. The following extracts will give an idea of his mode of thought, as well as of his keen appreciation of his position. In speaking of his desire to induce the Indians of this region to settle at Detroit, from which locality they had been driven many years before by the Iroquois, he says: —

"It seems that God has raised me as another Moses, to go and deliver this people from captivity; or rather as Caleb, to bring them back to the country of their fathers, — to their ancient dwelling-place, of which there remained to them but a faint idea. Meanwhile, Montreal plays the part of Pharaoh; he cannot see this emigration without trembling, and he arms himself to destroy it. But I hope the Count, noticing that he is a ferocious beast, without a guide and without light, will smooth my path and break through the impediments, only to inundate and submerge those who have the rashness to desire the overthrow of a design so just."

In another place he speaks in plain terms of the machinations of the Jesuits, who were doing their best to destroy the settlement at Detroit. He writes to the Colonial Minister: "You wished me to be a friend of the Jesuits, and to have no trouble with them. After much reflection, I have found only three ways in which this can be accomplished. The first is, *to let them do as they please;* the second, *to do whatever they desire;* and the third, *to say nothing of what they do.*" And again: "I do my best to make the Jesuits my friends, wishing only to be theirs; but, if I dare say it, all impiety apart, it would be better to speak against God than against them; because, on the one side, a person might receive his pardon; but on the other, the offence, though doubtful, is never forgiven in this world, and would not be in the other, if their credit were as good there as it is in this country."

But this brave and honest man could not long contend single-handed and single-hearted with the mass of influence arrayed against him. Not only were the Jesuits sworn to work his ruin, but the Directors of the Trading Company, and even the Governor-General and other high officers, joined the league, and procured his arrest and detention for trial at Quebec. This was in consequence of Cadillac's fearless exposure of frauds committed by men connected with these officers; for,

as is the case in almost all monopolies, the opportunity for self-aggrandizement at the expense of honesty proved a temptation too strong to be resisted. The extent of the conspiracy may be gathered from the reply of Count Pontchartrain, when Cadillac was explaining to him the situation of the parties concerned. "Pray stop," said he, "I shall soon believe that all who are in the employ of the Company at Detroit, and wish to retain you at Quebec, are the relatives of the three Directors, and also allied to the Governor-General."

This trial, which disclosed a reasonable amount of human depravity, resulted in the honorable acquittal of Cadillac, and his reinstatement in office. He resumed at once his cares and his patient endurance of them; and for the few years which remained of his public service he manifested an earnestness of spirit, and a large appreciation of the capabilities of his position, which increased its power and proved him to be in advance of his time and material. One of his first efforts, after establishing the post at Detroit, was to urge upon the Company the necessity of providing a seminary for the instruction of the children of the savages with those of the French; so that he may be considered as the first promoter of educational interests in Michigan. He also gave a large sum for the erection of a church in the little colony, and seems to have had ever before him the importance of mental and moral training for the improvement of individual and national character. He had the satisfaction of leaving the fort in a flourishing condition, and it continued to withstand the assaults of its various enemies till, by the surrender of Montreal in 1760, it passed, with Mackinaw and other less important posts, into the hands of the British.

Soon after their accession to power, the well-matured conspiracy of Pontiac had wellnigh deprived them of their long coveted possessions, and the effect of this attempt was to destroy their confidence in their Indian allies, rendering a life which was at best full of annoyance and hardship also burdened with anxiety and distrust. After an occupancy of several years, during which Detroit grew in size and importance, the treaty between England and the United States gave these frontiers to the latter. Prosperity now increased, but received

a severe check from a fire, which burned up the whole town, leaving the inhabitants houseless and homeless. With brave hearts they hastened to repair the evil, and content and peace once more settled upon the scene of so much strife and sorrow — for a little time; but with the war of 1812 came another struggle for a point so manifestly important. The short conflict with the British, and the cowardly surrender of General Hull, are painful subjects, which we hasten by, and would fain cover from the researches of history. But after a year of forced submission to foreign rule, Detroit was surrendered to General Harrison, to the great joy of the patriotic settlers.

With this happy consummation the early history of Michigan comes to a close. It is for us now to note her progress in the arts of peace, the helps and rewards which she offers to the industrious who cultivate her resources, the influence of these upon her prosperity, and the character of her people.

To the traveller who enters Michigan by either of her principal gateways, Detroit or Mackinaw, we would repeat with confidence the motto on her public seal, "Si quæris peninsulam amœnam, circumspice." The beauties of the northern shore have been described by scores of writers, and are annually gazed upon by hundreds of delighted tourists. Mackinaw, the head and type of these gifts of nature, affords many charms to arrest and beguile the admiration of the visitor. The site of the mission of St. Ignace, the favorite home of the sainted Marquette, the ruins of the old fort, and the present quaint little town, are all comprised within an area of a few miles, and contain historical traces and associations which are full of mournful, yet pleasing interest. The beauty-loving eye could desire no fairer spot; the antiquarian finds here relics of a lost and buried time; and the political economist sees upon this quiet wave-washed shore the key to the whole Northwest, — the future Queen City of the Lakes.

Heretofore there has not been sufficient attention paid to remote probabilities in the laying out of new towns. The situation of Mackinaw, or rather of Old Mackinaw, demands the thoughtful regard of men of business and enterprise whose interests are identified with the prosperity of the West. Commanding as it does the entrance to three great lakes, sur-

rounded by flourishing free States, and with the yet undeveloped resources of immense tracts pressing down upon it from the North, this spot cannot fail to become the most accessible and important depot for trade west of New York. All the extensive pine forests of Northern Michigan must send their growth through the Straits of Mackinaw; all the future crops of grain which these upper countries are so eminently calculated to bring forth must in this manner seek the sea-board; while the vast mineral yield can find no other medium of transport. It is the "manifest destiny" of this now quiet retreat to receive the rich abundance of the Northwest, and send it with fresh impetus to the Atlantic shores. But while these advantages are plain for peaceful times, it were well to inquire into the prospects of this post in the event of a war, — especially a war with England. By looking at a common map it is easy to perceive that very few positions are so strong as this. Gibraltar, Singapore, and Panama only are parallels to the case in question. The island of Mackinaw could easily be made into an impregnable fortress; while the site upon the mainland stands out observant and self-defensive on every side. The natural stronghold for the possession of which the savage warrior, the sagacious French trader, and the well-disciplined English soldier alike strove, has not lost aught of its precedency by the closing around of a busy and successful population; it is equal to every emergency, and can meet every demand.

Meanwhile, this region will be famed for its objects of interest and its health-giving climate. The cool, bracing air will woo the invalid from the debilitating heat of a southern summer; the legends of a fanciful race will charm young hearts to new visions of beauty; and the artistic eye and cultivated mind will find in the scattered incidents of a holiday ramble the material for sunny pictures and delightful meditations.

In the southeastern part of the State, commanding the entrance to Lakes Erie and Huron, stands the city which has thus far attested the early-discovered importance of her situation, — Detroit, — the noble fruit of a seed planted and replanted in toil and blood, and cherished with a profound faith in its future growth and power. This prosperous city rises before

us, endued with the absorbing interest we feel for one who has "a story" in her life beyond the outward seeming. To those who know her history, her name is enveloped in tender memories, as soft and mournful as the hazy light of the Indian summer; and we no longer wonder that poets have sung and day-dreamers related the scenes of her early days, or that the commonest details take an air of romance as they approach those trying times. Hence we delight to read of this spot when its charms were first disclosed to the gaze of the white man; when the silence was unbroken, save by the wanderings of wild beasts and the still more stealthy tread of the hunter; when the peaceful river bore no heavier burden than the Indian's canoe; — or, further on, — when trade began to arouse the slumbering energies of its few inhabitants; when this same stream was alive with freighted boats, bearing their wealth of furs to the emissaries of the French king, and when nationality first spoke out in the floating banner of the *fleur de lis;* — later still, when the vivacity of French life and rule was succeeded by the sway of the energetic and far-seeing English, and the cross of St. George spread protection over fort and hamlet; when the sweet decorum of home-life had in it enough of border freedom to give variety and picturesque effect, and the inhabitants had time and opportunity to love and be happy; — and, latest of all, when this favored spot, not losing the benefits of Anglo-Saxon rule, but passing to a younger and more active branch of the all-conquering race, became the long-desired possession of the United States, the keystone of the arch through which the stream of Western prosperity flows steadily on, leaving golden sands upon the shore. The days of poetic incident are gone forever; but we would not change for these the hum of industry, the clash and din with which art comes up to the help of nature, and ennobles the commonest pursuits. More pleasing the long array of dingy storehouses and factories at the water's edge, than the picturesque hut of the Indian; more satisfying the forest of bare and slender masts, than the waving trees of old; more beautiful the quick-glancing sails of busy ships, than the light-floating, errandless bark canoe.

Perhaps our recent history affords no more complete picture

of the prosperous and happy condition of Detroit, than was witnessed on the night of September 20, 1860, the occasion of the arrival upon our shores of the heir to the British crown. All day the friendly work of preparation had gone on, and darkness revealed the display which patriotism had made under the direction of good feeling and good taste. Along the river, as far as the city spreads, lights flamed out from dock and shipping; the vessels within reach had been secured and advantageously stationed, while up and down went the swift-sailing sloops, hung with colored lamps from deck to masthead. The steamer which was to bear the Prince from his own dominions to ours, illuminated from stem to stern, waited at the opposite wharf, and sent forth sweet chords of music to beguile the lingering moments. On the Canadian shore, so near that it seems a part of our own, the churches and homes of Windsor were ablaze with light; and at short intervals the thunder of artillery was heard, starting each eager heart to a fuller throb of expectancy; — while with us flags floated in the night-wind, the emblems of the two friendly nations grouped harmoniously in the sight of all; and, as if to anticipate the sentiments of the entertainers, familiar mottos shone transparent from heads of ships, and decorated house-fronts. "Welcome, laddie, for your mither's sake," in words of living light, stood before his young eyes, his first greeting from the United States. Can those who were present ever forget the burst of enthusiasm which rose from the farther shore, when guns and bells and bands of music proclaimed that the royal youth had reached the limit of his inheritance, and embarked for a new country, — a shout which was taken up by thousands of strong voices among the people who waited for him, growing louder as the steamer ploughed her way across the river to the solemn strains of "God save the Queen," and rising to a grand exultant chorus as his foot first pressed the soil of the American States. Even as we write, our pulse beats quicker at the recollection of that sublime manifestation of brotherhood, — a faint foreshadowing of the promised reign of universal peace and goodwill which the world now longs for and waits to see.

In apportioning the gifts of fortune to Michigan, Nature would seem to have relaxed her usually strict system of com-

pensation, and bestowed upon this favored spot not only peculiarly gracious surroundings, but all those treasures of vegetable and mineral wealth which would call other resources into use, and increase the prosperity of its inhabitants. In the northern part of the State, apparently inexhaustible mines of copper give employment and reward to hundreds of busy men. Just below this region, immense tracts of pine forest await the woodman's axe; the waters of the lakes yield abundance of fish, which are shipped to Eastern markets; and the earth brings forth every variety of fruit, grain, and esculent root, in liberal measure and of richest quality. The orchards of Michigan have long been famous for the most luscious of peaches, plums, and pears; the spiciest of apples grow in profusion, and are in great demand in less favored portions of the country; while the high prices at which the best Michigan wheat and flour are always sold attest the superior quality of her grain crops. Nor are the productions of warmer climates out of place in this accommodating atmosphere, made soft and genial by the vast bodies of water which nearly surround the State. Tobacco and the sugar-cane are cultivated with success; while the grape, in all its varieties, yields richly with careful nurture. Now that the rural districts are becoming more settled, and their capabilities better understood, many farmers make a specialty of some one branch of their occupation, for which they and their lands are the best fitted, and by this plan meet with the success which concentration of thought and action always brings. Some entire farms are devoted to grazing, and the stock is often of the best breeds, and developed under the most favorable circumstances. Others give their time and attention to the raising of fruit, and it is good for the eye to witness the perfection which may be attained in this department. Others again devote their fields to grain, and their sheaves are like the sheaf of Joseph, to which those of his brethren paid obeisance. In truth, there seems to be no useful production of the earth which may not find a home in Michigan, no natural advantage which is not there proffered.

The only element of beauty or utility lacking is that which belongs to mountains; but though we look in vain for their sublime presence, yet the scenery is by no means tame, nor

wanting in picturesque effect. The first settlers in the interior have all the same story to tell of the beauty of the oak openings which were the characteristic feature of the land scape. In these vast forests the trees, instead of presenting a dense growth, stood singly or in groups, like those of an English park; while weeds and underbrush were prevented by the annual fires kindled by the Indians, which swept through the whole country, destroying all tender life, and leaving only the sturdy trees. Underneath, the mossy sward lay green and soft as velvet, the prevailing tint being relieved by a profusion of many-colored blossoms. The wild-flowers of this region are the admiration of every lover of nature. It would seem as though there were some peculiarity in the atmosphere which gives to all natural objects a richer hue and softer shades of coloring. The sunsets of Michigan have been likened by travellers to those famed glories of Italian skies which inspired the pencil of Claude Lorraine. The Michigan rose retains its name when transplanted to other lands, and is made forever sacred by having been chosen to bloom upon the grave of Felicia Hemans; and one of England's loveliest daughters, amidst the splendors of a court ball, could find no richer garland for her fair head than a chaplet of autumn leaves from Michigan.

Beneath this beautiful surface lie the hidden treasures of the earth, — mines of coal long prophesied of by geologists, but now first brought to account, and newly-discovered salt-springs of greater strength than those of Western New York. Thus, with every inducement to honest labor and with unusual natural facilities for the transportation of its products, Michigan advances into the front rank of the Free States; her advantages being those which time and progress will only develop and increase.

We may now ask what is the character of the people so highly favored, and whether their intellectual culture keeps pace with their commercial prosperity, and the opportunities thereby afforded for general improvement.

The school system of Michigan is more perfect than that of any other State, unless Massachusetts be excepted, and its design is even more liberal than that of Massachusetts. In order to provide a settled fund for the establishment and perpetuation

of free schools, the first State Convention submitted to Congress a proposition, that one section in every township should be set apart for this purpose, which was approved of and made a law. The sale of these lands has created a large principal, the interest of which is distributed annually throughout the State, and is an ample provision for the educational needs of the people. By the terms of this law every township is divided into several school-districts, varying in size according to the number of inhabitants, in each of which there must be kept a free school during three months of the year, and if a longer term be desired, the tax to aid in meeting the expense is very small. Nor is the plan limited to the primary school. In sufficiently populous neighborhoods, several districts unite to form a graded union school, in which larger privileges can be secured, and a higher standard of scholarship attained. Some of the finest buildings in the State are those of the union schools, where everything calculated to refine the mind and to aid in simplifying knowledge is to be found, and where men of superior talents and training are called to preside. Here the student may receive a full preparation for college, and may even complete the studies of the first year of that course, while less advanced pupils find also a place and due attention. Next in the scale come the normal schools, adapted to fit teachers for the primary schools, and thus far conducted with excellent success.

But the chief glory of the State is her University, the history and system of which deserve thorough attention and consideration. The beginning of this institution may be dated as early as 1817, as we find from a curious document entitled, "An Act to establish the Catholepistemiad, or University of Michigania." Herein, amidst much quaintness of expression, we find liberality of sentiment, and as much generosity in plan as could be allowed at that early day; but the scheme does not seem to have proved feasible, and the matter rested till, in 1821, a step in advance was taken by the adoption of another act, vesting the government of the proposed institution in a Board of Trustees, twenty-one in number. But it was not till the admission of the Territory of Michigan into the Union as a State, that the University was placed upon its pres-

ent secure basis, — a part of that ordinance being the grant of two entire townships of land for the creation of the fund, which have proved so valuable that the present income is upward of forty thousand dollars. In the organization of the University the Board of Regents was appointed by the Legislature; but in 1850 a change was made in the organic law, and the control was given to officers elected directly by the people. In other respects the plan continues unchanged. The organization provides for three departments, — that of Literature, Science, and the Arts, that of Medicine, and that of Law, — all of which are in successful operation. There is no provision for a theological department, nor is it probable that there ever will be, as the idea of a State institution does not admit the existence of any sectarian system.

Let us glance at the present condition of the University of Michigan, as displayed in the Catalogue for the year 1861. And in order that those who know comparatively nothing of its history may be apprised of its local habitation as well as its name, we will say a word of Ann Arbor, the place in which it is situated. This pleasant little city is distant only thirty-five miles from Detroit, the chief town in the State, and is upon the line of the Central Railroad, which renders it easy of access from all points. It is in the most hilly, and consequently the most healthy, part of the State; and, from the same cause, the scenery in and around its limits is interesting and picturesque. There is not much done in the way of active business, the main dependence for prosperity being upon the University. The tone of society is above that of ordinary towns of the same size; not only from the presence of so many cultivated men belonging to the Faculties, but also from the fact that families of wealth and refinement are led to choose this spot as a home, in order to the better education of their children. All these things tend to promote quietness and order in common life, and throw a restraint upon the impulses of the hundreds of young men there assembled. Then the dormitory system has recently been abolished, and the students board and lodge in private families, being under the common law for citizens, and finding it for their interest to conform to the same rules of propriety. Of course, there are

persons and places in the community whose aim it is to entice the young to dissipation and vice, and students are found who yield readily to the instincts of a depraved nature; but these instances are rare, and all those who have had experience in college life declare that this University is singularly happy in its influences, and remarkably exempt from disgraceful scenes and characters.

Having spoken of the physical surroundings of this seminary, let us now consider the scope and aim of its educational provisions. We quote from the Catalogue: —

"In the Department of Science, Literature, and the Arts, that grade of studies has been established which in our country is usually designated as the Collegiate, or Undergraduate. This, in all our colleges, corresponds in general to the course in the Gymnasia of Germany. In the University of Michigan, it is a cardinal object to make this correspondence as complete as possible. Hence it is proposed to make the studies here pursued, not only introductory to professional studies, and to studies in the higher branches of science and literature, but also to embrace such studies as are now particularly adapted to agriculture, the mechanic arts, and to the industrial arts generally. Accordingly, a distinct scientific course has been added, running parallel to the classical course, and extending through the same term of four years, embracing the same number of classes, with the same designations. In this course, a more extended range of Mathematics and the Natural Sciences, together with English Language and Literature, is substituted for the Greek and Latin Languages. Students who have in view particular branches, as connected immediately with their pursuits in life, and who do not aim at general scientific or literary study, are admitted to Optional Courses.

"The design of the Regents and Faculty is to make the Collegiate or Gymnastic Department as ample and rich as possible, and to adapt it to the wants of all classes of Students that properly come within its range. . . . . .

"But the Regents and Faculty cannot forget that a system of Public Instruction can never be complete without the highest form of education, any more than without that primary education which is the natural and necessary introduction to the whole. The Undergraduate Course, after all that can be done to perfect it, is still limited to a certain number of years, and necessarily embraces only a limited range of studies. After this must come professional studies, and more extended studies in Science, Literature, and the Arts; which alone can lead to profound

and finished scholarship. In such a system of education, that which forms the culmination of the whole cannot be discarded. An institution cannot deserve the name of a University, which does not aim, in all the *matériel* of learning, in the Professorships which it establishes, and in the whole scope of its provisions, to make it possible for every student to study what he pleases, and to any extent he pleases. Nor can it be regarded as consistent with the spirit of a free country to deny to its citizens the possibilities of the highest knowledge. . . . . .

"The Medical and Legal Departments already established belong to the University proper. . . . . .

"The University course is also already, in part, opened, in the Department of Science and Letters; where courses of Lectures are given for those who have graduated at this, or other institutions, and for those who in other ways have made such preparations as may enable them to attend upon them with advantage. These Lectures, in accordance with the educational system of Germany and France, will form the proper development of the University, in distinction from the College or the Gymnasium now in operation." — pp. 33 – 35.

It will at once be perceived that the organization of this liberal plan, and its application to a Western University, must have been achieved by highly cultivated and enlightened minds; and that the men who are most closely connected with its affairs must be possessed of fine natural powers and large experience.

The present Chancellor is a type of the prevailing spirit. The name of Henry P. Tappan is one well known in the world of letters; and its owner, whether viewed as a polished gentleman, a profound scholar, or a Christian philosopher, stands among the first men of the age. Associated with him in the various professorships are active workers, deep thinkers, men of character and genius, some of whom are already widely known through their valuable contributions to scientific and educational advancement, while others give brilliant promise of future fame, and all are earnestly engaged in a work of present usefulness which will bring ample reward in the development of the minds and hearts now under their training.

The material helps provided by the University for this culture are already great, and will be continually increased. The Library numbers eight thousand volumes of valuable works, which are daily accessible to students. The Museum,

in its various departments of Natural History, Anatomy, and Materia Medica, contains a large collection of choice specimens, and the Gallery devoted to the illustration of History and the Fine Arts presents many objects of beauty and of classical interest. The Chemical Laboratory is one of the most complete and best arranged in the country, and contains, among other valuable apparatus, the celebrated Ruhmkorff's Coil, for the demonstration of the workings of electricity. The Observatory possesses one of the best meridian-circles in existence, and a refracting telescope, than which there are but two others in the world of larger size.

These numerous facilities for a complete education are offered to the student at so low a price as not to deserve to be called a price, and may be considered as virtually free to all. The sum of ten dollars, paid at the commencement of his career, and five dollars paid annually, entitles the student to the full enjoyment of the advantages of every department in the University. The necessary expenses for board, lodging, and incidentals may be included in the sum of one hundred and twenty-five dollars; and some, by strict economy, live on a still smaller sum. To refer again to the Catalogue: —

"The University of Michigan is popular, in the strictest sense; whether we consider its course of study, or the fact that it is freely opened to all the people, without distinction.

"Its present condition confirms this view of its character. While the sons of the rich, and of men of more or less property, and, in large proportion, the sons of substantial farmers, mechanics, and merchants, are educated here, there is also a very considerable number of young men dependent entirely upon their own exertions, — young men who, accustomed to work on the farm, or in the mechanic's shop, have become smitten with the love of knowledge, and are manfully working their way through to a liberal education, by appropriating a portion of their time to the field or the workshop." — pp. 67, 68.

The summary of the classes proves that these advantages are by no means unknown or neglected. The number of students in attendance at present is six hundred and seventy-four.

We have shown our readers Michigan as she was in her beginning, as a Territory, and as she is now, in her youth, as a State. If such results have been attained under so great dis-

advantages, — through so much toil and privation, — what may she not become, with her resources fully developed by an industrious population, under the guidance of minds educated and disciplined in so noble a school as her State University?

We take leave of this subject at a time when the whole nation is pausing in dread suspense for the issue of a political storm, which threatens to shake, if not to overthrow, the principles upon which we have attained our magnificent growth, and, through these, the cause of liberty throughout the world. The ancient landmarks may be removed, and strife and bitterness follow the breaking up of former restraints; but whatever may be the event, Michigan, from her geographical and political position, has an important part to play in the future, and it is for her well-wishers to hope that her past career of trial and experience, and her present high aims and enlarged views, may enable her to discharge to the full her duties and responsibilities.

ART. XI. — 1. *Currents and Counter-Currents in Medical Science. With other Addresses and Essays.* By OLIVER WENDELL HOLMES, Parkman Professor of Anatomy and Physiology in Harvard University, late Physician in the Massachusetts General Hospital, Member of the Society for Medical Observation at Paris, Fellow of the Massachusetts Medical Society, Fellow of the American Academy of Arts and Sciences.* Boston: Ticknor and Fields. 1861. 12mo. pp. 406.

2. *Another Letter to a Young Physician: to which are appended some other Medical Papers.* By JAMES JACKSON, M. D., Professor Emeritus of the Theory and Practice of Medicine in Harvard University. Boston: Ticknor and Fields. 1861. 16mo. pp. 179.

IT is by no means an insignificant fact, that *wit* and *wisdom* come from the same root; they represent the same knowing

* We hope that, when Dr. Holmes publishes another book, he will omit most of

faculty as directed toward different classes of objects. They are often found together, and made to play into each other's hands; and, where this is not the case, the possession of the one always implies a capacity for the other. The man who can neither make nor take a joke may be hugely bibliovorous; but he has as little discernment as to the quality of his food as belongs to the more gluttonous orders of brutes. On the other hand, we have known dunces by birthright, who were greedy absorbents of wit, who could even repeat a witticism without destroying its point, nay, who might aspire even to the creation of a bad pun; but no dunce ever spun from his own brain that which was worthy of a healthful laugh. All knowledge consists in an acquaintance with the resemblances and the differences between objects; it is a quick and keen perception of those resemblances and differences that constitutes both wisdom and wit. Wisdom contemplates them scientifically; wit views them pictorially. But there is often room for both in the very same instance of resemblance between things unlike, or of unlikeness between things similar; a fact in science not seldom admitting of a grotesque representation or statement, while a witticism frequently involves a truth capable of the gravest logical expression. Thus there is extant a Comic Latin Grammar, which, without ever ceasing to be witty, omits not a single fundamental principle or law appertaining to the Latin tongue; and John Phœnix's Lectures on Astronomy state none but scientific facts, yet state them in a form intensely comic and ludicrous.

The union of wit and wisdom in the same mind has been called in question in some memorable historical instances. In our boyhood we were introduced into Greek literature by a most attractive series of Hibernianisms — pardon the anachronism — from the Ἀστεῖα of Hierocles, — the same Hierocles, we always supposed, who wrote a Commentary on the Golden Verses of Pythagoras, as also a treatise in seven books on Providence, Fate, and Free-Will. This "Joe Miller," which

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his titles. A short man sometimes uses blocks of this description to make himself look tall; but a dwarfish stature is the only apology for what puts the pen of a friendly reviewer to needless trouble, and awakens vindictive feeling in an else indifferent critic.

seems to have been a repertory of traditional jokes and *sottises*, no doubt with many never published before, used to be printed as an appendix to the Neo-Platonist's Commentary on Pythagoras. The jokes are good; the *sottises* are admirably told; the internal evidence inclines us to believe that they came from the philosopher's hand: but we are now gravely assured, on what would be the highest authority were it sustained by any other than alleged internal evidence, that they are "obviously the production of a very insignificant person." By parity of reasoning, in some classical dictionary of the twenty-ninth century, our posterity will doubtless learn that the author of certain erudite and eloquent addresses and treatises on medical science was "obviously" *not* the writer of "The Dorchester Giant" and "My aunt! my dear unmarried aunt!" but that these last are to be ascribed to an "insignificant" Oliver Wendell Holmes, of unknown origin and indefinite antiquity.

Yet we are not without undisputed instances in ancient and modern literature of precisely the combination of the grave and gay in authorship, which is denied in the case of Hierocles. Julius Cæsar's collection of good sayings and jokes, many of them his own, — "Dicta Collectanea," — extended through several volumes. Lord Bacon's "Apophthegms" were evidently gathered and recorded with a zest not inferior to that with which he pursued his labors in the new philosophy; and in his "Advancement of Learning" he says of these pointed sayings: "They serve not for pleasure only and ornament, but also for action and business; being, as one called them, *mucrones verborum*, — speeches with a point or edge, whereby knots in business are pierced and severed. And as former occasions are continually recurring, that which served once will often serve again, either produced as a man's own or cited as of ancient authority." The biographer of grim old Joseph Mede, the famous commentator on the Apocalypse, has a special section entitled, "Of his becoming Facetiousness," which he commences by saying: "Those his so grave, knotty, and crabbed studies did not at all render him Sour or Morose, but in due Time and Place he knew how to be Pleasant and Facetious." To verify this he records three good witticisms, and, having whetted his reader's appetite, goes on to

say: "To these might be added many more; whereof some would perhaps tast a little too salt to some, but all of them would relish well enough to younger Palats." We cannot close this heterogeneous list of worthies without adding stern John Foster, who professed never to sacrifice to the Graces, but who, when vexed or indignant, was always maddened into caustic wit, and from whom his biographers have preserved two of the most keen, scathing, withering jokes to which human lips ever gave utterance.

We have said these things not because there is the slightest need of saying them anywhere within that microcosm — commonly called the world — of which Boston is the luminous centre; all who dwell within *our* world know that Dr. Holmes, while second to none among those who are wits by the double tenure of birthright and culture, holds by universal suffrage a no less distinguished place in his profession, — in its science and its literature, as a knower and a teacher, in the humanities which constitute it a liberal calling, and in the practical wisdom which alone can utilize genius and learning. The volume before us consists for the most part of discourses prepared primarily for medical students or practitioners; but the terseness and epigrammatic point of the style, the clearness and precision of the thought and reasoning, and the magnitude of the subjects discussed, cannot fail to attract cultivated readers outside of the profession. We propose to give some account of the book, with extracts from it, before we close. But we wish at the outset to say a few words in vindication of the regular Faculty of Medicine against the invasions on their province and the assaults on their trustworthiness made at the present day by the multiplied and diverse forms of quackery.

We should not have deemed this subject worthy the grave consideration of a literary journal half a century ago, when quackery found ready receptivity chiefly with such persons as literature never reached. But it now numbers its abettors in every walk of life, and as large a proportion, we apprehend, among the cultivated as among the ignorant. We are especially grieved, yet not surprised, to find that the clergy lend themselves with peculiar facility to the various forms of irregular practice. Their countenance is eagerly sought by venders

of patent medicines and other adventurers in the healing art, and every possible device is employed to force experiments on them and their families, and to procure from them attestations and recommendations. As educated and thinking men, they place great reliance on their own powers of reasoning and judgment; while from their conversance with the sick and suffering, and their earnest desire to relieve distress and create happiness, they are led to urge on those within their sphere of influence whatever remedies or modes of treatment have seemed successful. There is, however, but one standard of judgment to which they are qualified to make appeal; and that is the plausible but delusive standard of apparent results on a very small scale. They reason inductively from individual cases; but the science of medicine is too vast and complicated for the experience of one man, or a few, or even of a single generation, to furnish sufficient premises for general conclusions. Induction on too narrow a basis of facts is less safe than conjecture; for common sense enters largely into the latter process, while it is eliminated from the former, and in no department of knowledge is it more thoroughly eliminated than in that now under consideration.

There are various reasons why the inductions of an unscientific observer are of no worth in medical matters. In the first place, the relation of antecedent and consequent is not necessarily that of cause and effect. Many diseases are self-limited, some as to intensity, some as to time; and though their course may be shortened or their severity mitigated by judicious treatment, they will at all events leave the patient in due season. Where there is no organic lesion, and where the vital functions have not yet yielded to natural decay, the tendency is toward recovery, not toward death. The unaffected portions of the system, by their healthy action, are gradually working for the restoration of the diseased portion. The *vis medicatrix* of nature is the wise physician's chief ground of confidence, and he aims to help and expedite, not to supersede its operation. But through its energy many more recoveries than fatal cases occur under any and every system of treatment, and under every system there are not infrequent instances of sudden, surprising, unexpected restoration. The most absurd and barbarous modes

of practice may be defended by authentic and strong statistical arguments. We could on this ground vindicate the Thomsonian practice, which we believe to be dangerous in the extreme, and as likely as any device not of murderous intent to frustrate all hope of recovery, yet which in iron constitutions is sometimes followed by astonishingly favorable results.

Then, again, let it be considered that the very fact that any system has practitioners and subjects is a proof that it sometimes seems to work well. A system which always killed its patients could not survive its second year. Nor yet is it conceivable that any mode of treatment should not in some peculiar cases be useful, nay, the best mode practicable. The hands of the motionless clock point right twice in the day. The Procrustes' bed of the one-idea or one-remedy practitioner must occasionally receive patients whose measure it precisely fits; and, if there are systems which really do neither good nor harm, there are undoubtedly many cases in which it is best that nothing should be done.

Some of the more violent modes of practice probably owe their occasional efficacy not to any specific adaptation, but to their very violence. They give a shock to the system, perilous no doubt, yet which may set the internal *vis medicatrix* vigorously at work. A dose of lobelia or a *douche* bath may thus effect the cure of a complaint for which it is as far as possible from being a specific, and for which a whipping or a sudden fright would have answered the same purpose. A scientific physician once told us, in speaking of a chronic invalid, that she probably would never leave her chamber; but added, "Should her house take fire in the night, and she be obliged to escape for her life, she would recover at once." The Chinese practice of medicine consists of a series of violent and seemingly aimless onslaughts on the patient, and yet recovery takes place under it often enough to sustain the profession in good credit.

Diet and regimen are under all systems often more efficacious than medicine, and the regular practice has frequent injustice done to it from the fact, that in connection with it injunctions of this class are much less heeded than under other systems. The dyspeptic applies to an allopathic physician,

who prescribes some slight remedy or none, but tells the patient what and how much he may eat, and what he must not eat. The rules are transgressed every day; the patient grows worse, and jumps at the conclusion that his medical adviser knew nothing about his case. He goes to a homœopathist, who gives him infinitesimal doses of sulphur or charcoal, and tells him that they will be worse than useless unless he adheres to a complicated, yet salutary, system of observances and abstinences in the matter of food. The air of mystery given to the process appeals to a certain superstitious feeling; the man obeys, straightway recovers, and is thenceforward a propagandist of the school of Hahnemann, while all that he needed was an equally obedient spirit under the regime first prescribed. Another patient is suffering from a disease of the nerves. His family physician prescribes early rising, much fresh air and vigorous exercise, together with medicines, on which he lays no independent stress. The medicine is taken; the directions are at first half followed, and in a few days forgotten. Entire nervous prostration ensues, and recourse is had to a hydropathic institution. There the patient is dragged from his bed at break of day, driven staff in hand to the hillside or the river-side, and provided only with the simplest and coarsest fare; and he recovers by precisely the same instrumentality of which he had scorned to avail himself at home.

In many cases the system which really does nothing may seem successful, because all that the patient needs is a revulsion of feeling, a hopeful frame of mind, and the continued operation of causes that have already begun to take effect. The subject of chronic disease may have taken medicine enough, the active force of the malady may be subdued, and still the morbid habitude of the system may linger because courage is lost, energy crippled, and the animal spirits permanently depressed. In this state the resort to a new practitioner who is unsparing in his promises may furnish the only essential requisite, and bread pills or colored water from his hand would restore the patient as promptly and as effectually as the nostrums that are actually administered. We once knew an ignorant and intemperate sailor who had the audacity to advertise himself as a physician for incurables. His door was besieged by

crowds from afar and near. Many who had been given over by regular physicians recovered, and many more, whose days were numbered, were stimulated to a seeming convalescence. But the man was too notoriously an ignoramus to administer anything more salutary, and probably too cunning to administer anything less salutary, than hope. Indeed, one of the strongest cases on his list was in this wise. A woman, reputedly at death's door in consumption, and unable to go to the *soi-disant* physician, sent a description of her case by a friend. A bottle of pretended medicine was given him with directions. The bottle was insecurely corked, and the messenger found to his dismay that the precious liquor had escaped. He paused at a turbid pool by the roadside and filled the bottle. Its contents were duly swallowed, the patient recovered rapidly, and when she was entirely well was first informed of the innocent fraud of which she had been the dupe and the beneficiary.

Many are captivated by the seeming completeness and pretended certainty of new medical systems, and make it a reproach against regular practitioners that they confess their frequent ignorance, and acknowledge that their most confident calculations are sometimes baffled. We, on the other hand, feel always reassured by the modesty and magnanimity of this confession. It is a mark of true science. It indicates the essential condition of the healing art, groping its cautious way among the complexities of a system so fearfully and wonderfully made, that there is but one book in which all its members are written, and but one eye to which all its mysteries are clear. The pretence that all is known which can be known, the proffer of unfailing specifics, the attempt to reduce medical science to a complete practical system, is proof positive of ignorance or of imposture.

We trust that we have not transcended our rightful province in entering our plea in behalf of the medical faculty. We confess our own ignorance; we know that the issues of life and death are in the hands of God; but we believe that the members of this profession are the honored instruments in his hands for averting sickness, and rolling back the shadow of death. Long and careful observation has given us increasing confidence in the wisdom and skill of those who claim to be

legitimate successors of the great fathers of medical science; and if there be a class of men who, with rare exceptions, deserve the undivided trust, esteem, and love of the whole community, that class is the regular physicians of New England.

Dr. Holmes's volume now before us derives its title from the paper with which it opens, — an Address delivered before the Massachusetts Medical Society at its last annual meeting. The drift of this discourse sets in the same direction with that delivered twenty-five years earlier by Dr. Bigelow, on Self-Limited Diseases. Within this quarter of a century there has been a silent, gradual revolution in the best medical practice, which from being active and heroic has become expectant. We were wont at the commencement of this period to see acute disease fought against with a vehemence greater than its own, and it was little matter what battle-scars from lancet, leech, and blister the patient carried through life, or what a stock of mineral poison was laid up in his bones, if the dividing line between the death of the disease and the death of its subject were not overpassed. We have often been reminded of the labors of the fireman in witnessing those of the active and skilful physician. We have seen heads that looked like shapeless logs of charred wood under the caustic treatment for erysipelas, and the pressure of fingers employed for hours to prevent jets of blood from starting, through incisions in the jugular vein on both sides the neck, in the convulsive breathing of a croup-stricken infant; and we have witnessed the raising up of patients from the very shadow of death through these fearful processes. Our own careful and calculating, though non-professional observation, leads us to believe that the proportion of recoveries under that severe treatment was full as great as under the more gentle methods now employed. But we cannot doubt that the quantity of life restored is much greater now than under the excessive depletion and medication formerly in use. It is impossible that the vital energy, the power of resistance and endurance, should not have been in many instances permanently impaired by modes which almost killed that they might cure. We believe that the change would represent itself most manifestly in the vital statistics of the whole community,

had it not been counteracted by the rapid growth of other classes of letiferous causes, such as the more excited and tumultuous life of our time, the discontinuance of ventilation through the open chimney, the increase of luxury, and the adulteration of food and liquors. It cannot be denied that, while physicians have laid more and more emphatic stress on hygiene, its conditions have been increasingly violated by the public at large. In no one respect but the freer use of the bath have the habits of the community undergone a favorable change. We quote from Dr. Holmes his estimate of the relative value of hygiene and medication.

"Medication without insuring favorable hygienic conditions, is like amputation without ligatures. I had a chance to learn this well of old, when physician to the Broad Street district of the Boston Dispensary. There, there was no help for the utter want of wholesome conditions, and if anybody got well under my care, it must have been in virtue of the rough-and-tumble constitution which emerges from the struggle for life in the street gutters, rather than by the aid of my prescriptions.

"But if the materia medica were lost overboard, how much more pains would be taken in ordering all the circumstances surrounding the patient (as can be done everywhere out of the crowded pauper districts), than are taken now by too many who think they do their duty and earn their money when they write a recipe for a patient left in an atmosphere of domestic malaria, or to the most negligent kind of nursing! I confess that I should think my chance of recovery from illness less with Hippocrates for my physician and Mrs. Gamp for my nurse, than if I were in the hands of Hahnemann himself, with Florence Nightingale or good Rebecca Taylor to care for me.

"If I am right in maintaining that the presumption is always against the use of noxious agents in disease, and if any whom I might influence should adopt this as a principle of practice, they will often find themselves embarrassed by the imperative demand of patients and their friends for such agents where a case is not made out against this standing presumption. I must be permitted to say, that I think the French, a not wholly uncivilized people, are in advance of the English and ourselves in the art of prescribing for the sick without hurting them. And I do confess that I think their varied ptisans and syrups are as much preferable to the mineral regimen of bug-poison and ratsbane, so long in favor on the other side of the Channel, as their art of preparing food for the table to the rude cookery of those hard-feeding and much-dosing islanders. We want a reorganized *cuisine* of invalidism per-

haps as much as the culinary reform, for which our lyceum lecturers, and others who live much at hotels and taverns, are so urgent. Will you think I am disrespectful if I ask whether, even in Massachusetts, a dose of calomel is not sometimes given by a physician on the same principle as that upon which a landlord occasionally prescribes bacon and eggs, — because he cannot think of anything else quite so handy? I leave my suggestion of borrowing a hint from French practice to your mature consideration." — pp. 39 – 41.

Next in the volume we have Dr. Holmes's two Lectures on Homœopathy and its Kindred Delusions, delivered and published in 1842. The first of these lectures treats of the Royal Cure of the Scrofula, the Weapon Ointment and the Sympathetic Powder, the Tar-water mania of Bishop Berkeley, and the Metallic Tractors of Perkins. The history of the Tractors forms one of the most instructive chapters in the annals of pseudo-medical science. Perkins published no less than five thousand well-authenticated cases of cure, yet the efficacy of these instruments suddenly ceased when the public credulity was disenchanted, and no fact can be more certain than that they were entirely destitute of power, whether for good or for evil. The second Lecture is an argumentative discussion of the two primitive postulates of Homœopathy, namely, that "like cures like" (*similia similibus curantur*), and that the efficacy of medicinal substances is in the ratio of their attenuation or dilution. These propositions are subjected to a manifold *reductio ad absurdum*, till they are left without the shadow of a possibility in their favor. We apprehend that these fundamental canons of homœopathy are now obsolete with a large portion of its practitioners. They are implicitly believed by the very ignorant members of the fraternity, and by many non-professional persons of all grades of culture. But the thoroughly-educated physician of this school cares no more than the allopathist for the effect of his remedies on a person in health, and prefers highly-concentrated to diluted medicines. We apprehend that this class of practitioners administer active poisons oftener, and in stronger doses, than their brethren of the old *régime*. These Lectures are followed by a keen and caustic review of a new manual of Homœopathy.

The next paper is on the contagious or infectious character

of Puerperal Fever. The author, by a wide induction of cases, proves that this disease has undoubtedly been carried from house to house by physicians and nurses, even after the lapse of several days, and under circumstances which would attach the strongest *a priori* improbability to such communication, — in fine, that its virus is subtle and persistent to a degree wholly unparalleled by the diseases ordinarily regarded as contagious. He pleads earnestly and eloquently with his professional brethren, not for added precautions, but for their absolute refusal to render their professional services where there is any possibility of their conveying pestilence and death in their persons or garments. For this treatise, as humane as it is learned and able, he has encountered in some quarters ridicule and opprobrium, and now, in what is the third edition of his Essay, he deals severe justice to his opponents, and as it seems to us utterly takes from them the power of a rejoinder. Indeed, the whole history of professional warfare presents hardly a single case in which an adversary's guns have been spiked so neatly and so hopelessly. In an Address on the Position and Prospects of the Medical Student, he recurs to this subject in the following strong, but not over-strong terms.

"From the facts I have exposed elsewhere, it appears that the medical attendant has a power of doing mischief which has sometimes proved enormous. He may carry a pestilence about with him from house to house, that shall kill more women in a month than he is like to save in his whole life: there is too great reason to fear that he has done so often. Look over the tremendous series of cases proving what I say, and then, if a question should ever arise between your private advantage and a score or two of innocent lives, remember that you have been warned against adding your names to the list of those who, with a smile upon their faces, have carried death from bedside to bedside, sometimes ignorantly and innocently, and sometimes negligently, if not criminally; but compared to whom Toffana was a public benefactress, and the Marchioness of Brinvilliers a nursing mother!" — pp. 305, 306.

The remaining contents of the volume are an article on the Mechanism of Vital Action, which first saw the light in this journal, and a Valedictory Address to the Medical Graduates of Harvard University, delivered at the Medical Commencement of 1858.

In addition to the great merits of this volume taken collectively, we are strongly impressed with the adaptation of Dr. Holmes's style and method to his office as a professor and lecturer. No man could be less chargeable with ambiguity than he. He shuns the parade of technical terms, yet uses them freely when they are needed for precision of statement and clearness of reasoning. His style is familiar, yet always dignified, and easily melts into pathos, swells into lyric rhythm, or grows majestic, with the demands of his subject, — always facile in his hands for the expression of the thought or sentiment to which it gives shape. What impresses us most of all in these discourses is the author's profound sense of the humane mission of the medical faculty, and his own unforced and unfeigned sympathy with the sufferings which it is his office to relieve. Some physicians treat the themes within the cognizance of their art as wholly impersonal, and as if muscles, nerves, and organs existed only for their manipulations, and for the cause of science. Dr. Holmes never forgets that he is discussing the members, liabilities, and morbid affections of a suffering body, and that his science exists for its uses, and should be cultivated for humanity's sake. We cannot forbear quoting the following passage for the generous sympathy which it expresses for the unfortunate. We trust that the occasion for the merited rebuke it conveys ceased with its utterance.

"The amphitheatre for surgical operations is the scene of tortures which should never be undervalued, however familiar the sight of them may have grown to the seasoned student. That act of frightful violence to a fellow-creature which you call a 'brilliant operation,' may be the twentieth or the fiftieth of the kind you have witnessed. You are used to such sights, and it is hard to realize that others are not used to such sufferings. Do you remember that this seemingly brief space of mortal anguish has been for months or years the one waking and sleeping terror of the poor victim of disease before you, — that, like the iron chamber of the story, this dreadful necessity has been narrowing closer and closer about him day by day, at every approach darkening some window of life and happiness, and now in the midst of fearful sights and sounds is lacerating his convulsed fibres, and pouring out his smoking heart's-blood? Do you remember how long the memory of this little period will blend with all his thoughts, how every kind look he received will be treasured in his heart, how every careless word will be

recalled, how every thoughtless cruelty will leave its scar deeper than the terrible seams of the knife and the cautery?

"I have not left my stated pursuits, at your kind request, to come before you either for the sake of bestowing flattery or receiving applause. To you, and through you to your fellow-students, I must offer a few words, which, as they come from my heart and my conscience, I will not dishonor by introducing with an apology.

"In the many operations I have attended in the hospitals of France and England, often in the midst of a crowd of students more numerous and less orderly in their deportment than are ever found in the hospitals of our own country, I never but once heard the ordinary theatrical expression of applause at the close of an operation, and it was then immediately and indignantly silenced. Is it necessary for me to inform you that the same manner of expressing approbation has more than once manifested itself on this side of the Atlantic, and even in one of our own public institutions?

"If I should see to-morrow in the journals, or in any popular work, a statement of this fact, and an appeal to the feelings of the public on the point, I should expect a simultaneous expression of surprise and disgust to echo through the whole community. Far be it from me to make this appeal to the public; I had rather speak of the fact directly to the faces of those whose duty it is to support the honor of the medical profession. But were an exposure and public denunciation of this truly barbarous practice to appear in any popular publication, I, for one, should be disinclined and unable to say one word in defence of those who had armed every thinking man, much more every gentle-hearted woman and pitying child, against them. No! The listeners to this address may receive it with applause, or hisses, or silence, as they please. The spectators of a drama, the audience of a concert, may express their delight by ringing plaudits, if they choose. But there is a limit where decency requires us to refrain from indulging our impulses. We do not think it necessary to honor the utterer of an impressive prayer with a round from the floor and galleries of the house of worship. Do so, do so a thousand times before you thus violate the peaceful walls devoted to the languishing and dying poor! Spare your noisy honors to the sanguinary triumphs of the art of mutilation, while the neglected *subject* lies panting in his blood before you. Do you ask who constituted me a critic or a censor in this matter? I answer, God, who made me a man; society, which imposed my duties; my nature, not palsied to sympathy; my profession, not yet degraded beneath that of the gladiator. Better that one of your own number should speak out, than wait for the cheap newspaper and the philanthropic novel-writer; better humanize our own

manners than have our fellow-citizens say of the physician as the early Romans of Archagathus: *transiisse nomen in carnificem*, — that his name is changed to that of butcher; better keep a becoming quiet within the asylum of disease, than have the passers-by who hear its floors rattling with tumultuous applause, break in upon us, thinking to enjoy an hour of private theatricals, and start with horror to find that such is the tribute of youthful sympathy to a bleeding wretch, broken upon the wheel of Science, for the crime of a disease she could not master by her remedies!" — pp. 311 – 314.

Since we commenced our labors on Dr. Holmes's book, we have received the volume which holds the second place in the caption of this article. More precious than virgin gold are Dr. Jackson's recorded words in the esteem of the many who, in resorting to his transcendent skill as a physician, have learned to admire and revere him as equally sage, patriarch, and saint. A few years ago he published a series of seventeen "Letters to a Young Physician." The principal paper in this volume is an eighteenth letter, occasioned by Dr. Holmes's Address on "Currents and Counter-Currents in Medical Science," and the strictures upon it. With regard to the utility of active medication, Dr. Jackson, as might have been anticipated, shuns extremes. He condemns the over-medication customary in his youth; yet he is not prepared to second Dr. Holmes in his willingness to have all drugs sunk in the sea. He pleads especially for mercury, antimony, opium, and quinine, and enters into a somewhat detailed statement of the circumstances under which they are respectively useful, and the special services they perform for the diseased system. He maintains the expediency even of what is termed the heroic treatment in the earliest stages of certain maladies; but he adds that, in by far the greater number of instances, the physician is not called till the proper time for such treatment has gone by. The letter fills nearly a hundred pages. It is rambling, discursive, touching on a great diversity of topics, and manifestly designed to group around the nucleus furnished by Dr. Holmes various professional subjects on which the author had a word to say to his younger brethren. In a note he gives us extracts from a letter to Sir John Forbes, occasioned by Sir John's article on

Homœopathy, in the British and Foreign Medical Review for January, 1846.

The other notes — all of them interesting — are an account of the infancy of John Lowell, a nephew of the author, the founder of the Lowell Lectures, who, when regarded as hopelessly ill of *cholera infantum*, became Dr. Jackson's first patient, and seems to have been treated by the young practitioner with all the skill of his maturer years, and the prudence of his old age; a sketch of the character of Rebecca Taylor, for thirty-four years a nurse in the Massachusetts General Hospital, and in every respect a model nurse; and an article concerning the late Mr. Prescott, containing an account of the original injury to his eye, the subsequent attacks of ophthalmic disease, and the attacks of paralysis, the second of which proved fatal.

The closing paper in this volume is a "Memoir on the Last Sickness of General Washington, and its Treatment by the Attendant Physicians," prepared at the request of Hon. Edward Everett, and appended by him to his Life of Washington. This paper is interesting and gratifying, inasmuch as it is a defence of Dr. Craik and his medical friends from the charge of malpractice, by one who is perhaps better fitted than any other man living to pass judgment on the record of the case. He supposes that the disease had advanced beyond the control of remedies before Dr. Craik's arrival at the bedside of his friend, and expresses the belief that the treatment employed by him, though not likely to prove successful, was that to which a prudent physician would have looked as the last resort.

We will close our notice and our article by quoting Dr. Jackson's summary of results in his eighteenth Letter: —

"To what conclusions have we arrived? First. I have admitted the abuses of medicine. It is, though much less than formerly, given too much as a matter of course to all who apply to the physician for aid; and powerful drugs are administered too often, without bearing in mind that they will certainly do some harm. This certain evil should be compared with the uncertain benefit which we are justified in expecting from them. It becomes every medical man to keep these considerations fairly before his mind, when making his prescriptions. I have flattered myself that we are not peculiarly subject to reproach

on this head, in this region of the civilized world. But I know how readily all men take to their hearts such sweet flatteries as this.

"Secondly. I have endeavored to point out the importance of resorting to what I have called the hygienic treatment, in all cases admitting the use of it. This I have recommended especially in chronic diseases, maintaining that, in very many cases, the best chance for relief may be found in the promotion of the general vigor. By this the system may be enabled to overcome the disease; or, where this cannot be done, to delay as long as possible its fatal termination.

"Thirdly. I have expressed my conviction that by medical treatment, often by the efficient use of powerful drugs, sometimes by bloodletting, we may frequently succeed in diminishing the violence, in lessening the suffering, and in shortening the duration of diseases. But I have distinctly stated, and as forcibly as I could, that it was only at the commencement of a disease that the treatment above described could be employed with any just hope of success. In doing this, I hope that I have been clearly understood as referring to the first days of the actual disease, not to the first days of the physician's attendance on it.

"Fourthly. I have brought into view the self-limited diseases, of which Dr. Bigelow has treated, in which certain processes must be gone through, and which medicine cannot arrest. I have stated, however, that we can sometimes diminish the sufferings, and perhaps also the danger attending these diseases, when these are passing beyond certain boundaries. Otherwise, these diseases are to be left to their own course, only guarding against such things as would aggravate or prolong them.

"Fifthly. When diseases are brought under the treatment of a physician after the period during which active measures are found useful, or when such treatment has done all that it is capable of, the expectant mode of cure should be relied upon." — pp. 88 – 90.

ART. XII. — "*Message of President* DAVIS." National Intelligencer, May 7, 1861.

SUCH is the title of a document which occupies more than four columns of the National Intelligencer of the 7th of May last. It is signed by Jefferson Davis, and purports to have been addressed to the "Gentlemen of the Congress" of the Confederate States, convened by special summons at Montgomery, in the State of Alabama, on the 29th of April, being the second session of the Congress; and to have been prepared in the execution of the duties of the author as President of the Confederation. The reason for the special convocation of the body to which it is addressed is stated to be the "declaration of war made against this Confederacy by Abraham Lincoln, President of the United States, in his proclamation issued on the 15th day of the present month" (April); and in the paragraph which follows this statement the writer speaks of the occasion as "indeed an extraordinary one," which justifies him "in a brief review of the relations heretofore existing between us and the States which now unite in warfare against us, and in a succinct statement of the events which have resulted in this warfare; to the end that mankind may pass intelligent and impartial judgment on its motives and objects."

This document therefore must be regarded as an authoritative exposition of the views entertained by the leaders of the Confederacy upon the subjects thus indicated. We extract that portion immediately following, which speaks of the former relations of the States.

"During the war waged against Great Britain by her colonies on this continent, a common danger impelled them to close alliance and to the formation of a Confederation, by the terms of which the colonies, styling themselves States, entered '*severally* into a firm league of friendship with each other for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to or attacks made upon them or any of them on account of religion, sovereignty, trade, or any other pretence whatever.'

"In order to guard against any misconstruction of their compact, the several States made explicit declaration, in a distinct article, that '*each* State *retains its* sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation *expressly delegated* to the United States in Congress assembled.'

"Under this contract of alliance the war of the Revolution was successfully waged, and resulted in the treaty of peace with Great Britain in 1783, by the terms of which the several States were *each by name* recognized to be independent.

"The Articles of Confederation contained a clause whereby all alterations were prohibited, unless confirmed by the Legislatures of *every State*, after being agreed to by the Congress; and in obedience to this provision, under the resolution of Congress of the 21st February, 1787, the several States appointed delegates who attended a Convention 'for the *sole and express purpose* of revising the Articles of Confederation, and reporting to Congress and the several Legislatures such alterations and provisions therein as shall, when agreed to in Congress *and confirmed by the States*, render the Federal Constitution adequate to the exigencies of government and the preservation of the Union.'

"It was by the delegates chosen by the several States, under the resolution just quoted, that the Constitution of the United States was framed in 1787, and submitted to the *several States* for ratification, as shown by the 7th article, which is in these words: —

"'The ratification of the *Conventions of nine States* shall be sufficient for the establishment of this Constitution BETWEEN *the States* so ratifying the same.'

"I have italicized certain words in the quotations just made, for the purpose of attracting attention to the singular and marked caution with which the States endeavored, in every possible form, to exclude the idea that the separate and independent sovereignty of each State was merged into one common government and nation; and the earnest desire they evinced to impress on the Constitution its true character, — that of a *compact* BETWEEN independent States.

"The Constitution of 1787 having, however, omitted the clause already recited from the Articles of Confederation, which provided in explicit terms that each State retained its sovereignty and independence, some alarm was felt in the States, when invited to ratify the Constitution, lest this omission should be construed into an abandonment of their cherished principle, and they refused to be satisfied until amendments were added to the Constitution placing beyond any pretence of doubt the reservation by the States of all their sovereign

rights and powers not expressly delegated to the United States by the Constitution.

"Strange indeed must it appear to the impartial observer, but it is none the less true, that all these carefully worded clauses proved unavailing to prevent the rise and growth in the Northern States of a political school which has persistently claimed that the government thus formed was not a compact between States, but was in effect a National Government, set up above and over the States. An organization, created by the States to secure the blessings of liberty and independence against foreign aggression, has been gradually perverted into a machine for their control in their domestic affairs; the creature has been exalted above its creators; the principals have been made subordinate to the agent appointed by themselves."

We copy also the "succinct statement of the events which have resulted in this warfare," — in other words of the aggressions on the part of the Northern States and people, and of the grievances endured by the South, — and add what seems to be stated as the foundation and justification of the remedy for those grievances, all which is in these words: —

"The people of the Southern States, whose almost exclusive occupation was agriculture, early perceived a tendency in the Northern States to render the common government subservient to their own purposes, by imposing burdens on commerce as a protection to their manufacturing and shipping interests. Long and angry controversy grew out of these attempts, often successful, to benefit one section of the country at the expense of the other; and the danger of disruption arising from this cause was enhanced by the fact that the Northern population was increasing by immigration and other causes in a greater ratio than the population of the South. By degrees, as the Northern States gained preponderance in the National Congress, self-interest taught their people to yield ready assent to any plausible advocacy of their right as a majority to govern the minority without control: they learned to listen with impatience to the suggestions of any constitutional impediment to the exercise of their will; and so utterly have the principles of the Constitution been corrupted in the Northern mind, that in the inaugural address delivered by President Lincoln in March last he asserts, as an axiom which he plainly deems to be undeniable, that the theory of the Constitution requires that in all cases the majority shall govern; and, in another memorable instance, the same Chief Magistrate did not hesitate to liken the relations between a State and

the United States to those which exist between a county and the State in which it is situated and by which it is created. This is the lamentable and fundamental error on which rests the policy that has culminated in his declaration of war against these Confederate States.

"In addition to the long-continued and deep-seated resentment felt by the Southern States at the persistent abuse of the powers they had delegated to the Congress, for the purpose of enriching the manufacturing and shipping classes of the North at the expense of the South, there has existed for nearly half a century another subject of discord, involving interests of such transcendent magnitude as at all times to create the apprehension in the minds of many devoted lovers of the Union that its permanence was impossible.

"When the several States delegated certain powers to the United States Congress, a large portion of the laboring population consisted of African slaves imported into the colonies by the mother country. In twelve out of thirteen States negro slavery existed, and the right of property in slaves was protected by law. This property was recognized in the Constitution, and provision was made against its loss by the escape of the slave. The increase in the number of slaves by further importation from Africa was also secured by a clause forbidding Congress to prohibit the slave-trade anterior to a certain date; and in no clause can there be found any delegation of power to the Congress authorizing it in any manner to legislate to the prejudice, detriment, or discouragement of the owners of that species of property, or excluding it from the protection of the government.

"The climate and soil of the Northern States soon proved unpropitious to the continuance of slave labor, whilst the converse was the case at the South. Under the unrestricted free intercourse between the two sections the Northern States consulted their own interest by selling their slaves to the South and prohibiting slavery within their limits. The South were willing purchasers of a property suitable to their wants, and paid the price of the acquisition without harboring a suspicion that their quiet possession was to be disturbed by those who were inhibited, not only by want of constitutional authority, but by good faith as vendors, from disquieting a title emanating from themselves.

"As soon, however, as the Northern States that prohibited African slavery within their limits had reached a number sufficient to give their representation a controlling voice in the Congress, a persistent and organized system of hostile measures against the rights of the owners of slaves in the Southern States was inaugurated, and gradually extended. A continuous series of measures was devised and pros-

ecuted for the purpose of rendering insecure the tenure of property in slaves: fanatical organizations, supplied with money by voluntary subscriptions, were assiduously engaged in exciting amongst the slaves a spirit of discontent and revolt; means were furnished for their escape from their owners, and agents secretly employed to entice them to abscond; the constitutional provision for their rendition to their owners was first evaded, then openly denounced as a violation of conscientious obligation and religious duty; men were taught that it was a merit to elude, disobey, and violently oppose the execution of the laws enacted to secure the performance of the promise contained in the constitutional compact; owners of slaves were mobbed, and even murdered in open day, solely for applying to a magistrate for the arrest of a fugitive slave; the dogmas of these voluntary organizations soon obtained control of the Legislatures of many of the Northern States, and laws were passed providing for the punishment by ruinous fines and long-continued imprisonment in jails and penitentiaries of citizens of the Southern States who should dare to ask aid of the officers of the law for the recovery of their property. Emboldened by success, the theatre of agitation and aggression against the clearly expressed constitutional rights of the Southern States was transferred to the Congress; Senators and Representatives were sent to the common councils of the nation, whose chief title to this distinction consisted in the display of a spirit of ultra fanaticism, and whose business was, not 'to promote the general welfare or insure domestic tranquillity,' but to awaken the bitterest hatred against the citizens of sister States by violent denunciation of their institutions; the transaction of public affairs was impeded by repeated efforts to usurp powers not delegated by the Constitution, for the purpose of impairing the security of property in slaves, and reducing those States which held slaves to a condition of inferiority. Finally, a great party was organized for the purpose of obtaining the administration of the government, with the avowed object of using its power for the total exclusion of the Slave States from all participation in the benefits of the public domain, acquired by all the States in common, whether by conquest or purchase; of surrounding them entirely by States in which slavery should be prohibited; of thus rendering the property in slaves so insecure as to be comparatively worthless, and thereby annihilating in effect property worth thousands of millions of dollars. This party, thus organized, succeeded in the month of November last in the election of its candidate for the Presidency of the United States.

"In the mean time, under the mild and genial climate of the Southern States, and the increasing care and attention for the well-being

and comfort of the laboring class, dictated alike by interest and humanity, the African slaves had augmented in number from about 600,000, at the date of the adoption of the constitutional compact, to upwards of 4,000,000. In moral and social condition they had been elevated from brutal savages into docile, intelligent, and civilized agricultural laborers, and supplied not only with bodily comforts, but with careful religious instruction. Under the supervision of a superior race, their labor had been so directed as not only to allow a gradual and marked amelioration of their own condition, but to convert hundreds of thousands of square miles of the wilderness into cultivated lands, covered with a prosperous people; towns and cities had sprung into existence, and had rapidly increased in wealth and population under the social system of the South; the white population of the Southern slaveholding States had augmented from 1,250,000 at the date of the adoption of the Constitution, to more than 8,500,000 in 1860; and the productions of the South in cotton, rice, sugar, and tobacco, for the full development and continuance of which the labor of African slaves was and is indispensable, had swollen to an amount which formed nearly three fourths of the exports of the whole United States, and had become absolutely necessary to the wants of civilized man.

"With interests of such overwhelming magnitude imperilled, the people of the Southern States were driven by the conduct of the North to the adoption of some course of action to avert the danger with which they were openly menaced. With this view, the Legislatures of the several States invited the people to select delegates to Conventions to be held for the purpose of determining for themselves what measures were best adapted to meet so alarming a crisis in their history.

"Here it may be proper to observe, that from a period as early as 1798 there had existed in all of the States of the Union a party, almost uninterruptedly in the majority, based upon the creed that each State was, in the last resort, the sole judge as well of its wrongs as of the mode and measure of redress. Indeed, it is obvious that under the law of nations this principle is an axiom as applied to the relations of independent sovereign states, such as those which had united themselves under the constitutional compact. The Democratic party of the United States repeated in its successful canvass in 1856 the declaration made in numerous previous political contests, that it would 'faithfully abide by and uphold the principles laid down in the Kentucky and Virginia Resolutions of 1798, and in the report of Mr. Madison to the Virginia Legislature in 1799; and that it adopts those principles as constituting one of the main foundations of its political creed.'

"The principles thus emphatically announced embrace that to which I have already adverted, the right of each State to judge of and redress the wrongs of which it complains. These principles were maintained by overwhelming majorities of the people of all the States of the Union at different elections, especially in the elections of Mr. Jefferson in 1805, Mr. Madison in 1809, and Mr. Pierce in 1852.

"In the exercise of a right so ancient, so well established, and so necessary for self-preservation, the people of the Confederate States in their Conventions determined that the wrongs which they had suffered and the evils with which they were menaced required that they should revoke the delegation of powers to the Federal Government which they had ratified in their several Conventions. They consequently passed ordinances resuming all their rights as sovereign and independent States, and dissolved their connection with the other States of the Union."

Our especial purpose at this time is, not to inquire into the truth of the allegation that the President of the United States had made a declaration of war in his proclamation, nor to consider how far the grievances alleged have any substantial foundation regarded as accusations against the government of the Union, nor to show how the freedom and material prosperity of the people who make the complaint have been protected and secured by the government which they now assail.

That we may not, however, be supposed to concede by silence that President Lincoln's proclamation can in any just sense be regarded as a declaration of war, or a commencement of hostile measures, we refer the reader to the proclamation itself, and to certain significant words of one L. P. Walker, claiming to be Secretary of War of the Confederate States, uttered at Montgomery on the evening of the day on which the bombardment of Fort Sumter commenced, which was three days before President Lincoln's proclamation was issued. They may be found in another column of the number of the National Intelligencer which contains the "Message." Serenaded in celebration of that joyous occasion, and declining to make a speech when thus called out, the War Secretary, in the language of the telegraphic despatch,

"in a few words of electrical eloquence told the news from Fort Sumter, declaring, in conclusion, that before many hours the flag of the Con-

federacy would float over that fortress. '*No man*,' *he said*, '*could tell where* THE WAR THIS DAY COMMENCED *would end, but he would prophesy that the flag which now flaunts the breeze here would float over the dome of the old Capitol at Washington before the first of May. Let them try Southern chivalry and test the extent of Southern resources, and it might float eventually over Faneuil Hall itself.*'"

If any one is curious to inquire into the truth and justice of the grievances alleged as a justification for the attempted secession, we must refer him, for the present, to the contemporary history, as found in the various publications of the day.

There is not before us at this time any question how far these alleged grievances, if true, might justify revolution. The right of revolution is now generally admitted by all who sustain the political dogma, that the people have a right to govern themselves. But while revolution seems thus to be well admitted as a right, the persons by whom, and the limits within which, the right may be exercised, have not thus far been very explicitly or accurately designated and defined. The generalizations which usually accompany the admission of the right, seem to require for its rightful exercise causes of the gravest character, without any distinct enumeration of those which should be regarded as sufficient; they assert its existence in the people, without specifying what classes of the whole population are entitled to that character, or what portion of the persons known as the people may exercise the right; and they insist upon a right of reform, without indicating very precisely what should be the legitimate objects of the reformation. — It must be admitted, that in all these particulars accuracy of specification and limitation is difficult, not to say impossible; and yet to revolution regarded as a *right*, there must be some limit, not very sharply defined, perhaps, beyond which the right does not extend. The *right* of revolution does not exist in all cases where the *power* of revolution is found. We may remark, before proceeding to our main purpose, that if the right of revolution may be exercised because portions of the community maintain the opinion, that the clause of the Declaration of Independence which asserts that all men are created equal and

endowed by their Creator with certain unalienable rights, embraces all human beings of whatever color or race, and denounce in round terms the dogmas of those who maintain that human slavery is a suitable foundation upon which to erect a republican government, some of them even contending manfully that slaveholding is a sin; or because strenuous efforts have been made by individuals to prevent the extension of slavery into the Territories, where it has no right to enter; or because a President has been elected who is not a slaveholder, nor the tool of those who sustain that patriarchal relation; — then the time may have arrived when the existing republic of the United States ought to be subverted by those at the South who are thereby aggrieved. — If a small minority of the whole people in a government, being the active agitators in a certain section, may lawfully exercise the right of revolution, through the instrumentality of misrepresentation and terrorism combined, then the active leaders of the attempted secession may come within the denomination of "the people," in whom the right is admitted to exist. — If the right may lawfully be exercised for the purpose of taking from the great body of the people who possess it the power of regulating their own affairs, and of placing that power in the hands of a few, to be held by them for the purposes of their own ambition, then the attempted disruption of the Union may have a legitimate political purpose. — And if, through revolution, a government may with propriety be founded, having human slavery for its corner-stone, then the intelligent and impartial judgment of the civilized world may sanction the proceedings which have resulted in the formation of this Confederation of the Southern States; — not otherwise.

But Mr. Jefferson Davis and his compeers of the Confederate Congress do not base their action upon this right of revolution, which asserts itself in antagonism to the existing government, and seeks its overthrow, or its subversion to the extent covered by the antagonism, against the will and the right of the government to oppose it. If they did, they would stand at present, upon their own admission, as rebels against the government of the United States; for it must be borne in mind, that this right of revolution is such an imperfect right

that its very character of *revolution* depends upon the ultimate success of those who attempt to exercise it. It is strictly a personal right, "the right of the people to alter or abolish the government." *It does not exist as the right of a State*, or of any political organization, although such organization may be used for the more effectual exercise of it. In the inception of any effort to exert this right, all the action taken under it is insurrection and treason; — so known to the law; and so treated in fact, at the pleasure of the government assailed, until the insurrection has established itself, by the assertion of the right and the manifestation of a sufficient power to sustain it.

The Confederates do not set up, or attempt, a justification which would place them in the position of traitors on their own admission. On the contrary, they claim, under shelter of State authority, to withdraw from the Union by a State action, not having the character of an antagonism which the government may rightfully oppose and subdue, but the character of a peaceful withdrawal, which, on their political theory, the government ought to allow, because it is a political right, and it would seem, according to their notions, a perfect right.

The right of secession is asserted as a *State right*, consistent with the Constitution, and founded upon it, or upon the history preceding it, and the circumstances attending its formation and adoption; — a right to be exercised only through State action, and to be made effectual by a peaceful declaration of the fact of secession, which of itself accomplishes the separation of the State from the Union; any forcible opposition to it on the part of the United States being usurpation and oppression. Its theory, as stated in the document before us, and more at large in the speeches and writings of its paternal ancestor, is, that the Constitution of the United States is a compact, or agreement, entered into by the several States, as sovereign communities, by which the States created a government with certain limited powers, all powers not delegated to it, nor prohibited to the States, being reserved to the States respectively, or to the people; — that, the States being parties to the compact, each may judge for itself whether its obliga-

tions have been fulfilled, and the means and measure of redress required for any infraction of it, because there is no common arbiter or judge to settle disputes between the parties to it on such subjects; — and that if, in the judgment of any State the proper remedy for a violation of the compact is secession from the Union, such State may rightfully sever the connection by a declaratory act for that purpose, and that thereby the fact of secession is accomplished without revolution. Acting upon this assumption, the mode adopted for severing the connection, by the conventions in the several States which have attempted to secede, has been a formal repeal of the acts ratifying the Constitution of 1788, and of acts by which the State became a member of the Union, and by declaring the union subsisting between the seceding State and the United States dissolved. We propose at this time to discuss the soundness of these positions.

In determining whether such a right exists, we naturally turn in the first instance to the Constitution itself. But it is clear that this instrument contains no provision to that effect, in terms, nor any one which suggests such a result by any direct implication. It purports to be an organic and supreme law, limited as to its objects, and of course in its powers; and it appears to be framed on the model of the State constitutions, following their general principles so far as the objects to be attained and the limited powers granted will permit. The government organized under it is formed through the instrumentality of the Constitution itself, as a fundamental law enacted by "We, the people of the United States"; and not one formed by the States, or one which when formed represents the States; although from the previous existence of the States, as sovereign communities, except so far as they were bound by the Articles of Confederation, the Constitution could not be adopted without the assent and sanction of the several States; — for which reason, and because the States were still to exist, the ratifications were by "the people" of each State. In no instance was it supposed that the existing State government could make the necessary ratification as a State act. It provides for the organization of Legislative, Executive, and Judicial departments, and the

powers of these departments are to be exercised like similar powers under the State constitutions, and in a manner to control all State action within their proper sphere. The powers of the government organized under it usually act directly upon the people of the whole country, as the powers of the State government act upon all the people of the State; sometimes with reference to geographical or State lines, as the powers of the State government act with regard to county, town, or city limits. In general, none of these departments are indebted to State authority in their organization. They do not derive their powers from the States, nor represent States, nor act through any State agency, or as trustees of any powers for State purposes, or of powers dependent for their existence upon any State organization. The excepted cases — if the election of Senators by State Legislatures, requisitions upon States for their quota of militia to suppress insurrection, and the rendition of fugitives from justice, by the action of the State executive, may be supposed to be exceptions — are not founded upon any idea that State authority is a controlling force in the government of the United States, but exist for special reasons applicable to the particular instances; — that of the election of Senators being designed to guard against too great a preponderance of the larger States in the national councils; that in relation to the militia being a matter of convenience, because the militia is officered, and mainly organized, through the action of the several States; and that of the rendition of fugitives from justice arising from the fact that it is a matter between the State demanding and that rendering, rather than one which concerns the general welfare. State lines furnish convenient divisions for the purposes of the government; and in many instances, doubtless, State pride and State interests have had a controlling influence, shaping the provisions of the Constitution and laws so that State prosperity would be subserved; but this is merely incidental, through the action of individuals. It is none the less true, that the States have no control over any of the departments of the general government. They do not direct their action, in the first instance, nor is there, by the Constitution, any appeal to State judgment, or State sanction, through which errors

are corrected, or the action of the departments is affirmed or reversed. In the matter of the election of Senators, before adverted to, reliance is placed upon State action, and if no such action was had, for a sufficient length of time, a Senate could not be organized. But so it would be in a State, if no State senators were elected. That there is nothing peculiar in the government of the United States, in this regard, is evident from the fact, that if one or a dozen of the States should refuse or neglect to elect Senators, the Senate would be organized legally, notwithstanding the omission.

At the same time that there is nothing to show that the States, as such, have any control over the United States, or the government established under the Constitution, that instrument is full of provisions by which the States are prohibited from the exercise of powers which they would otherwise possess, and their authority as States is made subject and subordinate to the authority of the United States. In many important particulars, to the extent to which powers are granted to the government established by the Constitution, to the same extent the sovereignty of the States is expressly taken away; the powers granted being exclusive in the United States. In other particulars this is so by a necessary implication, because a power being expressly granted to the United States, the exercise of a similar power by a State would be inconsistent with the grant.

The Constitution declares that itself, the laws of the United States made in pursuance of it, and treaties made under its authority, shall be the supreme law of the land, by which the judges of every State shall be bound, anything in the laws or constitution of the State to the contrary notwithstanding. It is a perversion of terms to call the "supreme law of the land" a compact between the States, which any State may rescind at pleasure. It is not itself an agreement, but is the result of an agreement. And in the absence of an express declaration, or reservation, it is an entire subversion of all legal principles to maintain that the subordinate may at pleasure set itself free from the restrictions imposed upon it by the fundamental law constituting the superior, even if the subordinate have in other particulars an uncontrolled authority. The judges of each

State being expressly bound by the Constitution and laws of the United States, anything in the constitution or laws of the State to the contrary, how can a State law (or ordinance, which is but another name for a law) relieve them from the obligation? And if they are bound, the State and the people are bound also. The judges are expressly named, the more surely to prevent a conflict of jurisdiction and decision.

The clause of the Constitution providing for amendments adds another to the arguments which show it to have the character of an organic law, and not of a compact. Whether regarded as the one or the other, it is clear that it could not become obligatory upon a State, or the people of a State, until adopted by them. The people of one State could not ratify and adopt it for the people of another State. But, being adopted by all, it contains a clause binding upon all, providing that "the Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to the Constitution, or, on application of the legislatures of two thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, when ratified by the legislatures of three fourths of the several States, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress."

Now, considered as an organic law, the Constitution may be altered and amended in any mode which may be agreed upon and prescribed by the instrument itself; and this is a mode by which, through the action of certain political bodies, and certain legislative or popular majorities of a required number, the whole people are represented in the adoption of amendments, which become parts of the organic law. This mode, rather than a direct vote of the whole people, was doubtless agreed upon in order to make reasonable assurance that no amendment should be adopted affecting the rights and interests of the States, except by such a concurrence of State action as would fairly guard State interests, at the same time that there was a suitable representation of the whole people. It may be regarded as combining a representation of the States and of the people. It is an exemplification of the democratic dogma that the majority represent and express the will of the people, — the mode of ex-

pression provided in this case being supposed to be that best adapted to the particular purpose.

But if the Constitution is a compact between the States, any amendment which becomes a part of the Constitution is also a compact between the States, and the question arises, How is it that three fourths of the States, voting in favor of an amendment, are to make a compact with the other fourth, voting at the same time against it, and thus refusing to enter into the compact? How is it that the States voting to adopt, represent the States refusing to adopt, so that, by the vote of adoption, they make a compact between themselves and the others, against the will of the others expressed at the same time. Those voting to adopt act in their own behalf, thereby being one party to the bargain, and thus far it is well; but, on the compact theory, they must at the same time represent those who vote against the adoption, and thus make them another party to the bargain; when the others at the same time represent themselves, and refuse to make the bargain. Or if we state the compact theory with somewhat more of precision, each State is a party to the compact, agreeing with all the others, and one agrees with all the others notwithstanding she and several of the others refuse to agree. Thus, South Carolina, for instance, votes against a proposed amendment, and thereby refuses to enter into the new compact, but does still become a party to that compact, and agrees with the other States to adopt it, being represented by the others, several of them also voting against it, and at the same time not only making the contract for themselves, but aiding in making it for South Carolina also.

Will the advocate of the compact theory say that the provision relative to amendments, in the Constitution as first adopted, constitutes the States *agents* of one another, so that three fourths of the whole number may thus make an agreement for all, against the will of their principals, acting at the same time and dissenting? If this is so, we must add a new chapter to the law of Agency.

But without extending the argument, two or three illustrations may serve to exemplify the utter absurdity of a construction of the Constitution which should sanction the alleged right of secession.

The judicial department is rightfully divided into circuits and districts, embracing several States in a circuit, and mainly limited by State lines; not because the States have any control of the courts, but because State lines furnish convenient limits for such circuits and districts, except when there is a necessity for districting a State. Suits are instituted from time to time in these courts, questions are tried, verdicts are rendered, judgments entered, and cases are carried from these courts, and also from the State courts in certain cases, to the Supreme Court of the United States, sitting at Washington for the correction of errors. Now suppose a State is allowed to secede at its pleasure, what is the effect? If it may do so rightfully, then the judicial department of the United States holds all its powers, and even its existence, practically, within the limits of any State, at the pleasure of that State; for all its action is arrested at the point of time when the State pleases to secede. The witness on the stand is stopped in the midst of his testimony, on the passage of the act of secession; the juror, who has been sworn to try the case, goes his way without rendering a verdict; appeals are summarily and effectually dismissed, and writs of error quashed, by a nullification of the jurisdiction of the Supreme Court; the property seized by the marshal upon execution drops from his grasp; he and the district judge are removed from office; the State makes a general jail delivery of United States prisoners within her limits; and the pirate and murderer, under sentence of death, rejoice in a secession pardon. There is no escape from these conclusions.

The power to make treaties is, by the Constitution, vested in the President, with the advice and consent of the Senate, who may lawfully, in virtue of that power, enter into stipulations with foreign nations, which can be executed, according to their terms, only within the limits of a particular State. Suppose a treaty with Great Britain, containing a stipulation by which, in consideration of a concession by her of a right to American citizens to navigate the Thames, her subjects should have a similar right to navigate the Hudson, for a term of years; with various other stipulations relative to matters of high political and commercial interest having a

connection with this stipulation, or entered into in consequence of that agreement. It is an entire compact consisting of several parts. That treaty exists at the pleasure of the State of New York, which, although she cannot by any direct act close the navigable waters within her limits, may by an act of secession deprive British subjects of their rights under the treaty, and thus effectually break it, and by the infraction give Great Britain just cause for war, — not against her, for she did not make the compact, and merely exercises her lawful right, — but against the United States. If such may be the result, all treaties ought to contain a provision for a peaceable termination of their provisions on the secession of any State.

Not to multiply instances of the superlative folly of such an interpretation of the Constitution, let us make one more supposition. The debt which must be contracted in suppressing the present insurrection is likely to be large; Mississippi would be willing to repudiate her share, and Mr. Jefferson Davis would doubtless justify her in so doing, although she and he have had a large agency in causing it to be contracted. Suppose, instead of such a catastrophe, that all the States except New Hampshire, Vermont, Rhode Island, New Jersey, and Delaware should secede, and thus relieve their people from the obligation of the debt. The States named, remaining loyal and true, and in such case constituting the United States, would have rather a large load to carry, considering their resources and means of payment; but the burden must, by legitimate consequence, fall upon their shoulders, as they could not tax the people of the seceding States, nor very conveniently concentrate their forces so as to compel a contribution. We should ask pardon of the other loyal States for stating this supposition, were it made otherwise than as an effective illustration.

These considerations may be sufficient to show that the Constitution itself, considering it as a fundamental law, can contain no principle of action, nor recognize any principle, or action, by which its full operation, over all parts of the States embraced within the government, may be limited or subverted by State authority. Regarding the Constitution as a law, probably no one can be found, at the present day, to contend for the right of secession.

Let us now consider the argument upon the supposition that the Constitution has the character of a compact between the States.

Our first remark is, that, assuming it to be a compact between the States, with a right of secession attached, the same absurd consequences will follow which have already been suggested. A compact constituting a national judiciary, any circuit or district of which may be cut off in the manner and with the effect which is shown to attend the secession of a State, or one authorizing the formation of a treaty, binding upon all the parties, but which any one of the States can break at pleasure, leaving the responsibility for the breach upon the others, would be a most absurd compact. It is not therefore to be presumed that such a compact exists, but its existence must be proved by indubitable evidence; and we turn to the history preceding and attending the formation of the Constitution, to ascertain whether the States have any sovereign right to break the contract by which they associated themselves together for the purpose of a general government.

The political relations of the people of this country have had a twofold character from the commencement of the Revolution, and even from the early settlement of the Colonies, and there has been no time when any State has been at liberty to act with perfect freedom as a sovereign State. The Colonies were in most instances separate, and independent of each other, managing their local affairs, but all under the general jurisdiction and government of the mother country. They confederated together for the purposes of the common defence, at first as a council, without articles of agreement, to take into consideration their actual condition, and the differences subsisting between them and Great Britain. The Declaration of Independence shows the union which then existed between them as "one people," but still exhibits to some extent this twofold character. It was made, not by separate Colonies, or States, or governments, but by all united, and for all united. This is shown in the introduction, and in the recital of grievances; and the specific declaration with which it closes is that of an entire people. It commences, "When it becomes necessary for *one people* to dissolve the political bands

which have connected them with another people." The grievances alleged are the common grievances of all. The allegations against the king of Great Britain are, among other things, that "he has combined with others to subject *us* to a jurisdiction foreign to *our* constitutions and unacknowledged by *our* laws." The recital of remonstrances is of the same character. "*We* have petitioned for redress in the most humble terms; *our* repeated petitions have been answered only by repeated injury." This form of phraseology, which is found throughout, was not accidental. The declaration was "the unanimous declaration of the thirteen United States," or rather "of the good people of these Colonies"; but it was declared, not that the "United Colonies" are a free and independent nation, but that they are free and independent *States*, thus recognizing their separate existence, which has never been questioned. They were States, however, which were united, as if *one*, for the purposes for which Congress was assembled, but with imperfect authority to effect the purposes for which they were thus united.

This lack of authority led to the Articles of Confederation. They were reported in Congress, July 12, 1776, agreed to by the delegates, and proposed for ratification, November 15, 1777; ratified by the delegates of several States, authorized for that purpose, July 9, 1778, and by others from time to time, the last ratification being that of Maryland, March 1, 1781. These articles, without doubt, formed a compact. The third article expressly declares that "the said States hereby enter into a firm league," "binding themselves to assist each other."

There was no regular legislative, executive, or judicial department, but to some extent the articles conferred upon the Congress assembled under them powers of a national character; such as the power of determining on peace and war, with certain exceptions; of entering into treaties, granting letters of marque and reprisal, appointing courts for the trial of piracies and felonies committed on the high seas, and other powers, comprising legislative, executive, and judicial functions. They contained divers limitations upon the powers which each of the States would otherwise have possessed, so

that the action of the States should not interfere with that of Congress; and they imposed certain duties upon the States. As these Articles remained in full force up to the time of the adoption of the Constitution, it is in no sense true that the States at and immediately before that adoption were in all respects sovereign States. The second Article, in these words, "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this Confederation expressly delegated to the United States in Congress assembled," admits that to that extent they had parted with their sovereignty. By the thirteenth article, it was agreed that "every State shall abide by the determination of the United States in Congress assembled, on all questions which by this Confederation are submitted to them."

Now, with this admitted character of a compact, it is quite clear that no State, after the adoption of the Articles, could secede at pleasure from the Confederation. So far from it, no one could retire without the assent of all the rest.

Waiving for the present the consideration of the particular provisions of the Articles, which show this conclusively, and examining the case as it is presented by the character of the Articles as above set forth, it is perfectly apparent that there was no right of secession. It is the nature of a contract to be binding upon the parties according to its terms, and the scope and operation it was designed to have. This compact prescribed duties to the States, and gave powers to the Congress. The purposes which were to be effected by it were of indefinite continuance. The duties of the States were without limitation of time. The powers of Congress were of the same character. Each party to the compact had duties to perform, and could not withdraw itself until those duties were discharged. Such are the legal rules in relation to contracts generally. And if this is true of the Articles of Confederation, it must be at least equally true of the Constitution itself, regarding it as a compact substituted for the Articles.

But it is alleged that this compact has been broken by some of the parties to it in divers particulars, principally relating to slavery, and that the other parties are therefore no longer bound by it, but may withdraw from further performance on their part.

If we were to admit the breach as alleged, the conclusion does not follow. There are cases in which, on the failure or refusal of one party to a contract to perform his part of it, the other party may treat the contract as rescinded. But this case is not within that rule; for it is equally well settled, as a general rule, that one party cannot treat a contract as rescinded unless all the parties can be placed in the condition in which they were before they entered into it, and that if there has been a partial performance, from which one party has derived a benefit, he cannot retain what he has received, and treat the contract as rescinded by reason of any failure or refusal of another party to perform the residue. There are, therefore, at least two valid reasons why the supposed breaches of the compact give no right to any State to secede. It is clear the parties could not be placed *in statu quo;* and certainly the seceding States, instead of placing the United States as far as they might in that position, did, when they broke the compact on their part, not only retain all the benefits they had received, but, by the seizure of forts, arsenals, mint, navy-yard, and the other common property, they endeavored to appropriate to their own use all the property which, in consequence of the compact, the United States had placed within their limits, but to which they had no title whatever. There is no principle of law by which one party to a contract is entitled to grab all the property which the contract has been the means of placing within his reach, and at the same time to say that, on account of some partial failure of performance on the other side, he rescinds the contract, and withdraws from its obligations.

There is still another reason why, on the compact theory, there has never been any right of secession. That theory, as we have seen, is, that the Constitution is a compact to which "each State acceded as a State, and is an integral party, its co-States forming as to itself the other party." The Kentucky Resolutions distinctly so state it. Now South Carolina herself will not for a moment allege that all the co-States have broken the compact. She makes no such accusation against her dear sisters Georgia, Florida, and Alabama. *She* does not even aver that Mississippi broke the compact when she attempted to impair the obligation of her own bonds, in contravention of an

express provision of the Constitution prohibiting such a procedure. She alleges that Congress has heretofore passed unconstitutional tariff laws, and that Massachusetts and Wisconsin and some other States have passed laws in contravention of the clause of the compact in relation to fugitive slaves, which are void. But if the compact is by each State, as one party, with all the co-States as the other party, neither Congress, nor Massachusetts, nor Wisconsin, nor any dozen of the other States constitutes the other party to the compact; and although they may have severally done those things which they ought not to have done, and left undone those things which they severally ought to have done, the compact is not broken. "The other party" did not agree that they should do no unlawful acts. On this theory, then, what right has South Carolina, by a disruption of the Union, to injure New Jersey and Delaware, Indiana and Missouri, California and Oregon, against whom she charges no grievance, because she does not approve of the acts of Maine, Michigan, and Massachusetts? The former States cannot control the acts of the latter, nor those of Congress, and are not responsible for them. And so "the other party" with whom South Carolina made her contract has not been guilty of the alleged breach of contract, and has the right to hold her to her bargain. This is a legitimate conclusion from the construction of the compact, as set forth by the learned doctors who study constitutional law with the Kentucky Resolutions for their text-book, and who attempt to justify their acts of insurrection and treason, in levying war upon the United States, on the ground that their States (through their instrumentality it might be added) have previously passed acts of secession. The statement serves to show that the theory of secession sits in judgment upon itself, and is its own executioner.

There is no reasonable escape from these results, if the ordinary rules which govern the obligation of contracts are applicable to the case.

It seems to be supposed, however, that there are different principles or rules in relation to compacts between States from those which govern contracts between persons, because there is no tribunal to determine controversies between the former; and that for this reason each State is the sole judge of its

wrongs, and of the mode and means of redress. The Kentucky and Virginia Resolutions of 1798 are relied upon by Mr. Jefferson Davis to sustain this proposition. Those resolutions, it is well understood, had their origin in the alien and sedition laws passed by Congress in 1798. They relate entirely to unconstitutional acts of Congress, and not to those of States or individuals; and no small part of their object was to assert and maintain a strict construction of the Constitution, and to deny the authority of the judicial and other departments of the United States to determine conclusively the extent of their powers under it. They endeavor to maintain, in general terms, a right in the States to judge and determine respecting the extent of the powers of the general government under the Constitution, and they declare the acts mentioned unconstitutional. But it is quite clear that those who adopted them did not suppose that these resolutions had any effect to nullify those laws within the respective States adopting the resolutions. They called for the co-operation of the other States; but it is by no means certain that it was supposed that similar declarations of unconstitutionality, even by all the States, would have any effect, except as they might operate upon Congress to induce a repeal of the obnoxious laws, or perhaps upon the judges, whenever the courts should be required to pronounce a decision. The closing part of the last of the Kentucky Resolutions shows clearly that it was not supposed that the declarations of that State had had any effect to arrest the operation of the acts. It is in these words: —

"That this Commonwealth does, therefore, call on its co-States for an expression of their sentiments on the acts concerning aliens, and for the punishment of certain crimes hereinbefore specified, plainly declaring whether those acts are or are not authorized by the Federal compact. And it doubts not that their sense will be so announced, as to prove their attachment unaltered to limited government, whether general or particular, and that the rights and liberties of their co-States will be exposed to no dangers by remaining embarked on a common bottom with their own: That they will concur with this Commonwealth in considering the said acts as so palpably against the Constitution, as to amount to an undisguised declaration that the compact is not meant to be the measure of the powers of the general government, but that it will proceed in the exercise over these States of all powers whatso-

ever: That they will view this as seizing the rights of the States, and consolidating them in the hands of the general government with a power assumed to bind the States, not merely in cases made federal, but in all cases whatsoever, by laws made, not with their consent, but by others against their consent: That this would be to surrender the form of government we have chosen, and to live under one deriving its powers from its own will, and not from our authority; and that the co-States, recurring to their natural right in cases not made federal, will concur in declaring these acts void and of no force, and will each unite with this Commonwealth in requesting their repeal at the next session of Congress."

The seventh of the Virginia Resolutions, which calls for a similar co-operation, is as follows: —

"That the good people of this Commonwealth having ever felt, and continuing to feel, the most sincere affection to their brethren of the other States, the truest anxiety for establishing and perpetuating the union of all, and the most scrupulous fidelity to that Constitution which is the pledge of mutual friendship, and the instrument of mutual happiness, the General Assembly doth solemnly appeal to the like dispositions of the other States, in confidence that they will concur with this Commonwealth in declaring, as it does hereby declare, that the acts aforesaid are unconstitutional, and that the necessary and proper measure will be taken by each for co-operating with this State in maintaining unimpaired the authorities, rights, and liberties reserved to the States respectively, or to the people."

The resolutions were transmitted to the other States, and by several of them the principles asserted were as emphatically denied. As they are usually referred to by the advocates of secession as an authority sustaining their positions, we copy also the general declarations which are relied on for that purpose, being the first of the Kentucky and the third of the Virginia Resolutions. The following is the first of the Resolutions of Kentucky, passed Nov. 10, 1798: —

"*Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their general government, but that by compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain definite powers, reserving, each State to

itself, the residuary mass of right to their own self-government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming as to itself the other party: That the government created by this compact was not made the exclusive or final *judge* of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among parties having no common judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress."

We now quote the third of the Virginia Resolutions, passed in the House of Delegates, December 21, 1798, yeas 100, *nays* 63, and subsequently in the Senate, 14 to 3: —

"That this Assembly doth explicitly and peremptorily declare that it views the powers of the Federal Government as resulting from the compact to which the States are parties, as limited by the plain sense and intention of the instrument constituting that compact, as no further valid than they are authorized by the grants enumerated in that compact; and that in case of a deliberate, palpable, and dangerous exercise of other powers not granted by the said compact, the States, who are parties thereto, have the right, and are in duty bound, to interpose for arresting the progress of the evil, and for maintaining within their respective limits the authorities, rights, and liberties appertaining to them."

The first remark which occurs in relation to both of these resolutions, in their connection with this subject, is, that they do not suggest that the election of a President from one section rather than another, or of one who entertains opinions in which certain sections do not concur; or any anticipation of measures which may or may not be adopted; or that any act of a State, especially any such act which may come under the cognizance of the judicial tribunals and be declared void, — furnishes a case in which a State may "interpose for arresting the progress of the evil." In the next place, they assert no right of secession as a State remedy for the exercise by Congress of powers not granted by the compact, nor for any other grievance. If they intend to insist on a right of revolution as a measure of redress, they may be

in accordance with received principles. If they mean anything else, the specification of it is not apparent. Mr. Madison, who must have known something of their meaning, denied that they sanctioned nullification, and they give as little support to secession. But, further, if they had contained an explicit declaration of a right of secession, this would prove nothing. The resolutions and platforms of political parties, in times of party excitement, whether in or out of the halls of legislation, do not furnish any authentic expositions of the principles of constitutional law.

While there is nothing in the Constitution, even supposing it to be a compact, which can sustain the position that each State may judge respecting infractions of it, and may withdraw from its obligations when she pleases to consider herself aggrieved, there seems to be nothing in the principles of public law to give countenance to such a right. Compacts between States are, in principle, as binding as those between persons. There is no court to interpret and enforce them, and each party may therefore insist upon its own construction. If they do not agree, however, the result is not that the compact falls, and its obligations cease, nor that either party may declare it no longer in force, or secede from it on an allegation of infraction by the other, that other being bound to submit to this judgment and determination; but each party has the right to insist on the performance of the agreement, and the mode of enforcing or of obtaining satisfaction for any breach of it is War. We are not aware that a right of peaceable *withdrawal* from a treaty is recognized anywhere, unless the terms of the treaty, or the circumstances, show such to have been the intention of the parties to it; or unless an infraction of it justifying such a course is admitted. One party has the power of interpreting for itself, and may perform or not perform. But the other party has just the same right of interpretation, and may insist upon a strict fulfilment of the stipulations, and punish non-performance in the only mode which the nature of the case admits. The right to punish non-performance shows that there is no right to refuse further compliance. For these reasons, among others, some treaties contain a clause providing that the treaty, or perhaps certain

provisions of it, may be terminated on notice for that purpose.

If, then, the Constitution were a compact to which each of the States is a party, being the sole judge of its wrongs and of the modes of redress, so that one State, judging that it was injured, should determine to secede as a measure of redress; each and every of the other States would have an equal right to judge and determine that the seceding State was not injured by the alleged grievance, but that they were severally and jointly aggrieved by the attempted secession and refusal further to comply with the obligations of the compact, and that the proper mode and means of redress for that injury was war, jointly and severally waged against the seceding party. This seems, practically, to be the state of things at the present time. Some of the parties determine that they will attempt to secede. They repeal their ratifications (which, by the way, are not subject to repeal); appropriate to their own use so much of the common property as is within their borders; fire upon an unarmed vessel carrying supplies to one of the forts belonging to the general government; reduce the fort by a bombardment sustained by seven thousand men, more or less, against some seventy in the occupation of it;— and then they say, "All we want is to be let alone." At the same time they are investing another fort, and threatening destruction to it and its defenders if it is not surrendered.

The other parties to the compact determine that they are aggrieved by these proceedings, and will resist the attempt; and they also resort to gunpowder, shot, and shells, on their part, as stringent legal and equitable powers, whereby to regain possession, and to compel restitution and specific performance of the compact. President Lincoln thereupon issues his proclamation, calling for militia to execute the laws and suppress the insurrection; and this, according to the Message before us, constitutes a declaration of war.

Furthermore, viewed as a compact or treaty between States, it is what is termed a "*transitory convention*," and cannot be revoked, rescinded, or annulled, repudiated or seceded from, by any State, on account of its nature.

"General compacts between nations," says Mr. Wheaton, "may be

divided into what are called *transitory conventions*, and *treaties* properly so termed. The first are perpetual in their nature, so that, being once carried into effect, they subsist independent of any change in the sovereignty and form of government of the contracting parties; and although their operation may, in some cases, be suspended during war, they revive on the return of peace, without any express stipulation. Such are treaties of cession, boundary, or exchange of territory, *or those which create a permanent servitude in favor of one nation within the territory of another.*" — *Wheaton's Elements of International Law*, 6th ed., p. 332, Sect. 9.

On the theory of compact, the Constitution contains an agreement of each State with the other States, that the government organized under it, for the benefit of all the States, may exercise certain rights within the limits of each State, by an occupation of the soil, for the uses and purposes for which the government is established. It confers, by agreement and grant, a power of *eminent domain*; a right to take lands for forts, arsenals, navy-yards, military roads, and other public uses; a right of occupation within the waters of each State by a naval force when necessary; a right on land and water for the collection of customs; a right of taxation, and of collecting the taxes by sales of lands and goods; a right to have court-houses, to hold courts, to reverse the judgments of the State courts in certain instances, and to execute final process against persons and property. These grants of rights to occupy, take, possess, use, tax, try, judge, reverse, and do final execution within the limits of every State, show a permanent servitude of a most extensive character; the United States, representing all the States, being the *dominant*, and each State a *servient* party. From their very nature these rights and powers cannot be resumed or revoked at the pleasure of any State, or of any number of States less than the whole. And it may be added that they impair, somewhat effectually, the supposed absolute sovereignty of the separate States. Civil war may suspend the exercise of these rights and powers, but it does not annul or take them away.

It has been urged by the advocates of secession, that the tenth amendment of the Constitution, which provides "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the

States respectively, or to the people," sustains their positions. If it were shown that the States had a right of seceding from the Union before there was any Union to secede from, there would be some foundation for this suggestion, as it is quite clear that no right of secession was granted to the United States; and the conclusion would follow, that it was among the rights reserved. But the supposition of an existing right to rescind a particular contract before the contract is entered into, of the existence of a right to secede from a Union which is not formed and may not exist, and then a reservation of this right of secession by a general declaration, after the Union was formed, that powers not granted were reserved, is simply an absurdity. There could be no right of secession until there was something to secede from. Such a right could come into existence only upon or after the creation of the Union which was to be broken up by the exercise of it; and it is preposterous, therefore, to say it was a right reserved to the States by the general reservation of all powers not granted or prohibited, which referred only to rights or powers pre-existing.

But this argument may be disposed of in another manner. A similar reservation, but in much stronger terms, was contained in the second clause of the Articles of Confederation, in these words: "Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States in Congress assembled." The change in the phraseology of the reservation, or declaration, may be worthy of note. Now if this earlier, and in terms much more ample reservation, found in those Articles, did not include a right of secession from the Confederation, upon alleged grave violation of the powers conferred upon Congress by that instrument, still less can the tenth amendment of the Constitution sustain any such right to judge of infractions of the Constitution, and to withdraw by virtue of the powers reserved. And this leads us to a concluding and conclusive argument to show the perpetuity of the Union as established by the Constitution, and according to the Constitution, even if that instrument is supposed to have the character of a compact.

We have thus far endeavored to show that there was no

right of secession from the Union established by the Articles of Confederation, and that there is no such right under the Constitution, upon general principles applicable to such instruments, whether regarded as compacts or as organic laws. We now proceed to make assurance doubly sure upon this point, by specific citations from the express language of the Articles, and of the Constitution itself, and from official documents connected with their adoption, which admit of no misapprehension.

The Articles of Confederation expressly, explicitly, and in the most emphatic manner, established a "Perpetual Union" between the States. As prepared and submitted to the States for ratification, they were entitled "Articles of Confederation and Perpetual Union." And the closing part of the last of the Articles is: —

"And the Articles of this Confederation shall be inviolably observed by every State, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislatures of every State."

The Articles having been agreed upon in Congress on the 15th of November, 1777, on the 17th of the same month that body transmitted copies to the several States, for the consideration of their respective legislatures, accompanied by circular letters, in which it was represented that, "to form a permanent union accommodated to the opinion and wishes of so many States, differing in habits, produce, commerce, and internal police, was found to be a work which nothing but time and reflection, conspiring with a disposition to conciliate, could mature and accomplish." In recommending them to the immediate and dispassionate attention of the legislatures of the several States, it was said: —

"Let them be candidly reviewed, under a sense of the difficulty of combining in one general system the various sentiments and interests of a continent divided into so many sovereign and independent communities, — under a conviction of the absolute necessity of uniting all our councils, and all our strength, to maintain and defend our common liberties; let them be examined with a liberality becoming brethren and fellow-citizens surrounded by the same imminent dangers, con-

tending for the same illustrious prize, and deeply interested in being forever bound and connected together by ties the most intimate and indissoluble."

Still further: — The closing recommendation, of set purpose, it would seem, to show again that the union was to be perpetual, repeats the title: —

"And to each respective Legislature it is recommended to invest its delegates with competent powers, ultimately, in the name and behalf of the State, to subscribe Articles of Confederation and Perpetual Union of the United States."

A preamble was affixed to the Articles, reciting that the delegates in Congress assembled did on the 15th of November, 1777, "agree to certain Articles of Confederation and Perpetual Union between the States," which are then set forth at large; and they are followed by the formal instrument of ratification, subscribed by the delegates authorized for that purpose, in these words: —

"And whereas it hath pleased the great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of and to authorize us to ratify the said Articles of Confederation and Perpetual Union: *Know ye*, That we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do, by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and Perpetual Union, and all and singular the matters and things therein contained; and we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the States we respectively represent, and that the Union shall be perpetual."

It seems impossible to read the foregoing extracts without a conviction that there was an industrious repetition of the idea that the Union under the Articles was to be perpetual, so that no doubt should ever after be entertained respecting it; and certainly no agreement to that effect could be more explicit than that contained in the closing parts of the Articles and of the ratification.

The Articles of Confederation which established this "perpetual," "permanent," "indissoluble" Union, proved to be inadequate to the purpose for which they were adopted, and proceedings were had, from time to time, in Congress, with a view to amendments. The history of the change by which a Union under the Constitution was substituted for that under the Articles of Confederation, need not be set forth at this time. The great defect appeared to be a lack of power in Congress to regulate commerce. But at a meeting of commissioners from five States, held at Annapolis, in September, 1786, a report was made to their respective States, and copies transmitted to Congress, in which they represented the necessity of a convention, with a full attendance and enlarged powers; and recommended the appointment of commissioners "to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary to render the Constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose to the United States in Congress assembled, as, when agreed to by them, and afterwards confirmed by the legislatures of every State, will effectually provide for the same." A convention was assembled, and finally reported the Constitution, providing for regular legislative, executive, and judicial departments, with enlarged, but limited powers, appropriate to such departments, and of a national character; by reason of which it became necessary to submit it to the people for ratification. It was ratified, and thus the government organized under it was substituted for the administration existing under the Articles of Confederation. The reasons for its adoption, summarily set forth in the preamble of the instrument itself, are "*to form a more perfect Union*, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to ourselves *and our posterity*."

Now it appears to be preposterous to contend that this more perfect Union, established for posterity as well as for the existing generation, and thus substituted for the perpetual, indissoluble Union under the Articles, is one which was to exist only at the pleasure of each and every State, and to

be dissolved when any State shall assert that it is aggrieved, and repeal the act of ratification. The Union could not be made "more perfect" in relation to its endurance. It certainly was not intended to be made less perfect in that particular.

These considerations show further, that the political axiom, that "all rightful government is founded upon the consent of the governed," cannot justify or excuse secession. It might be urged that the principle asserted is not that government is founded upon the consent of all the persons to be governed, but we pass that. The consent has been given by the ratification of the Constitution. The compact has been made by the Fathers, who vindicated their title to the country, and their right to form the institutions under which it should be governed. The present generation comes in as their successors, and is thus "in privity." The covenant "runs with the land," and binds all persons who occupy it. If any one desires to relieve himself from the obligations which it imposes, he can secede, personally, by transferring his domicile to some other country.

ART. XIII. — 1. *The Life of Hugh Latimer.* By GEORGE L. DUYCKINCK. New York: General Protestant Episcopal Sunday School Union and Church Book Society. 1861. 12mo. pp. 204.

2. *Frvitfvll Sermons: preached by the Right Reverend Father, and constant Martyr of Jesus Christ, Master* HVGH LATIMER, *newly imprinted with others not heretofore set forth in print, to the edifying of all which will dispose themselves to the reading of the same.* Seene and allowed according to the Order appointed in the Kings Majesties Injunctions. London. 1635. 8vo. pp. 656.

MR. DUYCKINCK has given us a charming memoir of Father Latimer, making the most out of his very scanty materials, telling what he had to tell of the life-story gracefully, but

quoting all that he could from the autobiographical notices in the martyr's writings, and leaving to John Fox his due prerogative as historiographer of the last scenes. We needed not, however, this new biography to keep Latimer's memory fresh and green. There is no book that we love so well to have at our side as his Sermons, — whether to amuse or to edify, — to give us the odd, quaint portraiture of men and manners in his day, or to place before us vivid representations of those great truths and principles which shine with a hardly clearer light in our advanced culture than that in which they flashed upon his vision through the superstitions and falsities that surrounded him. We know little of his childhood; but that little is worth rehearsing at a time when men are waking up to the truth that a dwarfed, cramped, enfeebled, dyspeptic body affords but poor lodging and doubtful safety for the soul of hero, sage, patriot, or saint, and when the ethics of physical training are beginning to be recognized in homes and colleges and pulpits. Almost the only thing he tells us of his education is in the following passage from one of his sermons before King Edward.

"In my time my poore Father was as diligent to teach me to shoote, as to learne me any other thing, and so I think other men did their children: he taught me how to draw, how to lay my body in my bow, and not to draw with strength of armes as divers other Nations doe, but with strength of the body: I had my bowes bought me, according to my age and strength, as I increased in them, so my bowes were made bigger and bigger, for men shall never shoote well, except they be brought up in it: it is a worthy game, a wholesome kind of exercise, and much commended in Phisicke.

"*Marcilius Phisinus* in his booke *de triplici vita*, (it is a great while since I read him now,) but I remember he commendeth this kinde of exercise, and saith, that it wrastleth against many kindes of diseases. In the reverence of God let it be continued: let a proclamation goe forth, charging the Justices of peace, that they see such Acts and Statutes kept, as were made for this purpose."

His father, however, though but a yeoman on a hired farm, did not confine his son's education to the noble art of archery. "He kept me to schoole," writes the son, "or else I had not beene able to have preached before the Kings Majesty now."

Latimer made so rapid progress in the learning of his time, that he entered Christ's College, Cambridge, at the age of fourteen. At twenty he took his degree, and shortly after was ordained priest. He entered on the discharge of his clerical duties with great zeal and with conscientious punctiliousness, was promoted to be cross-bearer in the religious processions of the University, and delivered, on receiving his degree of bachelor in divinity, a fierce diatribe against the doctrines of the Reformation, and especially against Melancthon and his writings. To this period of his life he refers in one of his sermons, when, after speaking of the Devil as "the most diligentest Bishop and prelate in all England," he adds: "But heere some man will say to me, What sir, are ye so privy to the devills counsell, that ye know all this to be true? Truly I know him too well, and have obeyed him a little too much, in condescending to some follies." His baccalaureate address was the occasion of the great change in his religious career. Among his hearers was Thomas Bilney, who had already embraced the new doctrines, and, impressed by Latimer's manifest ability and fervor, now sought an interview with him, and urged upon him the study of the Scriptures. The result was a speedy recognition of the non-Scriptural character of the Papistical theology, an exulting sense of new-found light and freedom, and an earnest and restless spirit of propagandism. This transformation took place when Latimer was about thirty years of age.

From this time forward till his last imprisonment, with brief interruptions, Latimer was indefatigable in his public labors in behalf of the Reformed faith, and was probably the most effective preacher of his age, we might almost say of the Christian ages. It mattered not where he dispensed the Word, whether in cathedral, village church, or open street. His most pungent sermons were delivered in the public garden of the Westminster palace, where, as he says, there was a constant "walking up and downe in the Sermon time," and "such buzzing and huzzing in the Preachers eare, that it maketh him oftentimes to forget his matter." He evidently was the founder of his own school. He had indeed read the fathers, and he quotes sometimes from Chrysostom's homilies;

but he seems not to have thought of them as even possible models for his so widely different surroundings. He preached as if a sermon had never been preached before, — as if it had been his special province to take the lead in applying the Gospel to men's needs, hearts, and lives. He makes very little show of learning; yet once in a while he gives a choice bit of exegesis, or a morsel of classical reminiscence, which indicates his fidelity as a scholar. His sermons are seldom composed after any plan, and when he has a plan, his digressions from it are so numerous and so wide as to show that rhetorical unity, if within his conception, is as far as possible from his purpose. Sometimes the successive words or clauses of his text give him starting-points, but he soon loses sight of them. His sermons are discursive commentaries on the condition of the Church and nation, the news of the day, the state of the public mind, the abounding temptations, and the prevailing sins, — in fine, free religious talks on all sorts of subjects that could anyhow be forced into juxtaposition with Christian truths or motives. He appeals in rapid succession to every mood of feeling, runs up and down the entire gamut of the emotional nature. Now he touches the fountain of tears; now he is stern and vehement in rebuke, towering in his indignation at some high-handed crime into the stature of the Hebrew prophet on Mount Carmel; and now he mines his inexhaustible vein of fun and drollery, passing from the gravest themes to the gayest with the simple words of transition, "And here by the way I will tell you a merry toy," yet from "the merry toy" getting some illustration or argument by which he can lay hold with the more tenacious grasp on the consciences of his auditors. He hears what is said about his preaching, and repeats it in his next sermon, with his own shrewd and pithy criticisms on his critics.

It is passing strange that Latimer's head remained on his shoulders through the reign of Henry VIII. He spared the king as little as he did the meanest of his subjects. Shortly after he had been made bishop, he went with the other prelates to the court on New Year's day, to carry the accustomed presents to his Majesty. Each of the others offered a purse of gold; Latimer gave the king a copy of the New Testament,

with the leaf conspicuously doubled down at the words, "Whoremongers and adulterers God will judge." He was first called to preach before the king in 1530. It seems that he did not escape the severest charges for his free speech in the royal presence. In one of his sermons before King Edward, we have a characteristic account of the style in which he had been accused before Henry, and of the adroitness with which he had drawn himself out of the snare, without retracting a single word that he had said.

"In the kings dayes that dead is, a many of us were called together before him to say our mindes in certain matters. In the end one kneeled me downe, and accused mee of sedition, that I had preached seditious doctrine. A heavy salutation, and a hard point of such a mans doing, as if I should name him, ye would not thinke it. The King turned to me and said, What say you to that, sir? Then I kneeled downe, and turned me first to mine accuser, and required him, Sir, what forme of preaching would you appoint me, to preach before a King? Would yee have me preach nothing as concerning a King, in the Kings sermon? Have you any commission to appoint me what I shall preach? Besides this, I asked him divers other questions, and hee would make no answere to none of them all: he had nothing to say. Then I turned me to the King, and submitted my selfe to his Grace, and saide, I never thought my selfe worthy, nor I never sued to be a preacher before your Grace, but I was called to it, and would be willing (if you mislike me) to give place to my betters, for I grant there be a great many more worthy of the roome than I am. And if it be your Graces pleasure so to allow them for preachers, I could be content to beare their bookes after them. But if your Grace allow me for a preacher, I would desire your Grace to give me leave to discharge my conscience, give mee leave to frame my doctrine according to my audience: I had been a very dolt to have preached so, at the Borders of your Realme, as I preach before your Grace. And I thanke Almighty God, which hath alwaies beene my remedy, that my sayings were well accepted of the king, for like a gracious Lord he turned into an other communication. It is even as the Scripture saith, *Cor Regis in manu Domini*, the Lord directeth the kings heart. Certaine of my friends came to me with teares in their eyes, and told me, they looked I should have beene in the Tower the same night."

Latimer did not confine his interposition in public affairs to mere preaching. When the king undertook to suppress Tyn-

dal's New Testament, and ordered all copies of it that could be found to the flames, Latimer protested against the sacrilege, and vindicated the free circulation of the Scriptures, in a letter to the king, which a late English historian justly defines as being "of almost unexampled grandeur." The letter was without effect; but the king, so far from being irritated by it, a very short time afterward gave the bold divine a living in Wiltshire, and at a subsequent period appointed him to the bishopric of Worcester. This last preferment Latimer retained less than three years. In the mind of Henry and in the policy of his court there was a rapidly retrograde movement toward all that had been denied of Romanism, except the Pope's supremacy. The "Six Articles" (so called), enacted in 1539, were a re-affirmation of the very dogmas from which the advanced thought of the English Church had been working itself clear. On their passage Latimer resigned his bishopric, and on his next visit to London he was arrested on the charge of having spoken against one or more of these Articles. Whether he was acquitted or not, it is impossible to determine; but he remained at large till 1546, when he was examined before the Privy Council, and committed to the Tower, whence under Henry the wonted passage was to the block. Probably this catastrophe was averted, in the case of the good bishop, by the king's death.

Immediately on the accession of Edward VI. Latimer was set at liberty, and strongly urged to resume his bishopric. This he declined, on account of his rapidly increasing infirmities. He was then appointed preacher to the king, and seldom failed to preach twice each Sunday during the entire reign. In the volume of his sermons the most eloquent and forceful are those delivered before the young king. They are valuable as affording a wonderfully minute view of the transactions of the reign, the intrigues of the court, the condition of society, the state of opinions, and the prevalent degree of culture. On almost every topic they display keen insight and profound practical wisdom. Only in the science of political economy he appears as even less than a novice. The enhancement of prices confounds his judgment and baffles his philosophy. Unable to trace it to the only possible cause,

the increase of money in the kingdom, he imputes it to the universal prevalence of avarice and extortion. The following passage shows conclusively that, the rise of prices being universal, there must have been an increase of the means of payment commensurate to that of the current rate of marketable commodities: —

"I doubt most rich men have too much, for without too much we can get nothing. As for example. The Physition. If the poore man be diseased, he can have no helpe without too much; and of the Lawyer the poore man can get no counsell, expedition, nor helpe in his matter, except he give him too much. At Merchants hands, no kind of ware can be had, except wee give for it too much. You Landlords, you Rentraisers, I may say you Steplords, you Vnnaturall Lords, you have for your possessions yearely too much. For that heere before went for xx. or ix. pound by yeare (which is an honest portion to be had *gratis* in one Lordship, of another mans sweate and labour) now it is let for L. or an C. pound by yeare. Of this too much commeth this monsterours and potentuous dearth made by man, notwithstanding God doth send us plentifully the fruits of the earth, mercifully, contrary unto our deserts. Notwithstanding, too much, which these rich men have, causeth such dearth, that poore men (which live of their labour) cannot with the sweat of their face have a living, all kinde of victuals is so deare, Pigs, Geese, Capons, Chickens, Egges, &c. These things with other are so unreasonably enhaunsed. And I thinke verily, that if it thus continue, we shall be constrained to pay for a Pigge a pound. I will tell you, my Lords and Masters, this is not for the Kings honour."

It would appear from this statement that the only actual grievance lay in the fact that (as is always the case) the wages of labor had not kept pace with the general increase of prices, and this for the reason — always to be regretted, yet impossible of remedy — that in the lower portions of the social scale immediate necessity prevents the combination, explicit or tacit, by which those more advantageously situated can withhold what marketable commodities they have, till they can command an adequate remuneration. Labor, when prices rise, attains its rights in process of time, but not without straitness and suffering at the outset. We witnessed the process on the influx of gold from California. For a few years manual labor produced less in proportion to the value of the

necessaries of life than it had in the day of low prices; but at present, wages bear as advantageous a proportion to prices as they did thirty years ago.

On Mary's accession to the throne, Latimer, then at Coventry, was at once cited to appear before the Privy Council. He had intelligence of the officer's approach, and prepared himself forthwith for the journey to London. He was committed to the Tower, and his imprisonment was made gratuitously severe. Cranmer, Ridley, and Bradford were confined with him. After some months Cranmer, Ridley, and Latimer were sent to Oxford to take part in a public disputation, in which commissioners of the Convocation of the realm were to represent the other party. Latimer — according to some authorities nearly eighty years of age — appeared in his prison attire, with a cap on his head buttoned under his chin, his spectacles hanging at his breast, his staff in his hand, and his New Testament under his arm. When told that he must take part in the disputation on the following Wednesday, he replied, with a smile, "Indeed, gentlemen, I am just as well qualified to be made governor of Calais." When the time of disputation came, he adhered to his purpose of entering into no discussion with his adversaries, on the ground that in his infirm condition he might betray by feeble reasoning the cause to which he had devoted the strength of his prime and the energy of his life. "Knowing," says Addison, "how his abilities were impaired by age, and that it was impossible for him to recollect all those reasons which had directed him in the choice of his religion, he left his companions, who were in the full possession of their vigor and learning, to baffle and confound their antagonists by the force of reason; while he only repeated to his adversaries the articles in which he firmly believed, and in the profession of which he was determined to die." In this judicious reticency we discern a touching manifestation of the genuine heroism which had marked his whole career, — his unsubdued will repressing the natural garrulity of age, lest it might do less than full honor to the cause dearer to him than life.

The three bishops were kept in confinement sixteen months, during which time they were subjected to repeated examina-

tion, urged by alternate threats and promises to recant, and finally sentenced only when it was believed that they were neither to be intimidated nor cajoled into submission. Ridley and Latimer were doomed to suffer together. When a fagot was kindled, and laid at Ridley's feet, Latimer said to him, "Be of good courage, Master Ridley, and play the man; we shall this day light such a candle, by God's grace, in England, as I trust shall never be put out." As the fire approached him, he cried out, "Oh! Father of Heaven, receive my soul." So entirely absorbed was he in the visions of opening glory, that he seemed insensible to pain, and his countenance remained to the last not only serene, but joyous. His prediction was fulfilled. The candle then lighted still burns, and will ever burn. The record of his martyrdom has shed its day-beams on the path, on the dungeon gloom, on the death hour of many a sufferer for righteousness' sake. The faith for which he gave his body to the flames has been hallowed for subsequent generations by no purer or more cherished consecration than that of his martyrdom. His name stands foremost in the sacramental host of Queen Mary's victims; nor does the entire history of the Church present a nobler example than his of sanctity in life, steadfastness in faith, courage in action, fortitude in endurance, triumph in death.

Art. XIV. — CRITICAL NOTICES.

1. — *Wild Oats and Dead Leaves.* By Albert Smith. London: Chapman and Hall. 1860. 12mo. pp. 359.

In anticipation of the Memoir which he proposes hereafter to write of his brother, Mr. Arthur Smith ventures to give this collection of stray leaves gathered from the various magazines and papers to which his brother was a contributor. They will recall by their playful style, by their grotesqueness, by their amiable satire, and by their superficiality, the characteristic manner of the lecturer who amused the world of London for so many nights and for so many years. No story was probably ever repeated to so many persons so many times without the

sense of fatigue, either on the part of speaker or hearers, as Mr. Albert Smith's story of the ascent of Mont Blanc. It was always the same and always different, delightful at once because it was so old and because it was so new. There were cockneys who made it a point to hear this story once a week for years, and all travellers remember the evening which they spent with this good-humored egotist as one of the finest passages in their European experience. Albert Smith never had much to say, but he made his small capital go very far. He could not write like Dickens or Thackeray, or even like Douglas Jerrold, but he never attempted the extravagances of Sala, or the slang of the author of Guy Livingstone. He never fell from the style of a gentleman into the style of a buffoon or a maniac. Wit, properly so called, he had not, and he seldom ventures either upon a good or a bad pun. His stories make one laugh by the comical situations which they present, and by their exaggeration of those slight ordinary ills which occasion most of the misery of common life. They are the adventures of the Pickwick Club diluted.

In this volume of Wild Oats we meet again several of the characters who have figured in Mr. Smith's previous volumes. Mr. Ledbury gets into a few more difficulties, at home and abroad; Mr. Straggles has a day's fishing, a day's shooting, rides a steeple-chase, goes cheap to the races, and eats white-bait at Greenwich; Mr. Grubbe has a night with Memnon; Mrs. Perkapple appears in the Gothics' Ball; Mrs. Cruddle visits the Isle of Wight; and Mr. Tonks keeps Christmas in a fancy style. In the paper which describes "A Day with Barnum," however, we take leave to say that Mr. Smith has invented for the famous showman a dialect which neither he nor any genuine Yankee ever used. Mr. Barnum's English is not certainly of the choicest: but the *patois* which he is here made to speak would be as strange to a Connecticut pedler as it seems to a London lecturer.

Some of Mr. Smith's poetical pieces are thrown into this mixture. They do not seem to us of great merit, though the versification is smooth, and the sentiment agreeable. We make exception, however, in favor of the version of Bürger's Lenore, in which both the spirit and the language of the ballad are admirably rendered.

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2. — *Paul the Pope and Paul the Friar. A Story of an Interdict.* By T. Adolphus Trollope. London: Chapman and Hall. 1861. 12mo. pp. 417.

The Trollope family, mother and sons, have certainly a genius for book-making, if we deny to them any other kind of genius. All that

they write is readable, and it needs a practised reader to keep pace with what they write. Mr. Anthony Trollope gives forth his regular serial novel with as much accuracy and rapidity as the late Mr. James, and we expect a new photograph of parochial life and clerical manners as surely as we were used to depend upon a new appearance of the "solitary horseman." Mr. Adolphus Trollope works the historical vein, and works it to good purpose. Few miners could get so much gold from such hard and unpromising fields, or beat it out over so large a surface in working it. He has the art of making slight material go very far.

In his latest work he has managed to "invest with interest," as the reviewers say, a theme which has been left almost unnoticed by other writers; has wrought out into a substantial volume of more than four hundred pages a passage from Italian history to which Ranke gives scarcely five and twenty pages; and has brought forward as representative men two personages to whom none but a book-maker would have thought of assigning such an honor. Both of these men, indeed, were remarkable in their way; both were, in some sense, *self-made* men; and one of them, certainly, had in his character and in his action heroic elements. But it must seem, even to a reader unfamiliar with history, that Mr. Trollope gives a disproportioned importance to a controversy so far inferior in dramatic positions and in permanent results to most of the religious controversies of the sixteenth and seventeenth centuries. This quarrel of words between the Pope and the Venetian Council, with its short alarm, its petty intrigues, its ponderous efforts of compromise, and its final evasion, appears quite undignified when we think of the wars of the Reformation in Germany, which went before, or the strife of the English Revolution, which followed. There is nothing grand about it, and the actors seemed dwarfed to mere diplomatists. The victory rested with neither side. The Pope did not win, since the Friar escaped his clutches; and the Friar did not win, since Venice conceded the substance of all that was in dispute. The story is a very apt illustration of the Italian proverb, which has passed into all languages: "*Assai romor e poca lana.*"

Yet withal, though he has no battles to describe, no scenes of magnificence, or of terror, or of critical danger to bring before us, only dry details of what managers said and wrote and plotted, Mr. Trollope has succeeded in constructing a pleasant story. He has awakened a curiosity to know more about this bold friar, who dared to defy in a Catholic land the threats and the terrors of the Papal power. Father Paul Sarpi appears here as the companion of Savonarola, and henceforth the name of the Florentine Dominican will be associated with

that of the Venetian Servite. Heretofore, Sarpi has been thought of only as the half-malignant historian of the Council of Trent, a heretic in disguise, and a hypocrite in pretending to hold the Catholic faith while satirizing the work of Catholic doctors. Now he appears as the devout believer not less than the accomplished scholar, — one who would not sacrifice his faith to his knowledge, yet could not relinquish his knowledge at the bidding of any ecclesiastical lord. One result of this book of Mr. Trollope will be to change the usual estimate of Father Paul, which has come from the insinuations of Catholic writers, and to vindicate fully his sincerity and his honesty.

Mr. Trollope does not succeed in making a hero of Paul the Pope. The lawyer Borghese was too hard-headed as well as too hard-hearted to win any sympathy for his genius or his virtue. Nor was he iniquitous enough to become conspicuous like Alexander or Innocent. He was one of those average popes, who excite neither admiration nor horror, neither pity nor contempt, — a far less remarkable man for what he was and for what he did than the Neapolitan Caraffa, who had borne before him the Apostolic name. When we think of "Borghese," it is not of the obstinate martinet who strove to outwit and to browbeat the Venetian Republic, but of the luxurious, aristocratic family which still displays, as it has displayed for two centuries, its gaudy magnificence in palaces and gardens, in galleries and tombs, and has given by its splendid vanity such nourishment to art. Few of those who wonder at the jasper columns and the bronze sculptures of the chapel in Santa Maria Maggiore think of the man who is there commemorated as one whom such a monument befits. At the tomb of Julius II., memory recalls the warrior Pope not less than the genius of Michel Angelo. But at the tomb of Paul V., it is only Guido, Arpino, and Bernini whose hands we see, and not that of the vain man who commanded their work.

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3. — *A Pictorial Handbook of Modern Geography, on a Popular Plan. Compiled from the best Authorities, English and Foreign, and completed to the Present Time; with numerous Tables and a General Index.* By HENRY G. BOHN, F. R. G. S., F. L. S., F. R. S. L., F. H. S., Hon. Member of the Institute of Geneva. Illustrated by one hundred and fifty Engravings on Wood, and fifty-one accurate Maps engraved on Steel. London: H. G. Bohn. 1861. 12mo. pp. 529.

A CAREFUL reading of Bohn's new manual of Geography enables us to say that it is an exceedingly accurate and valuable work, well con-

structed and arranged, written in a very pleasant style, and giving in a concise form an immense amount of information. A citizen of the United States might, indeed, complain that a very disproportionately small space is given to this vast Western Republic, — that a nation of thirty millions, with territory as large as the whole of Europe, should be dismissed in eleven pages and a half, while fourteen pages are given to Ireland and sixteen to Scotland. But the account of the United States, short as it is, is in the main fair and correct. There are a few ludicrous blunders, as where it is said that the *Wenham Lake* is one of the important inland seas, that the Pilgrim Fathers *landed at Boston*, and that Louisville is "remarkable for its mammoth cave, eight or nine miles long"! No mention, moreover, is made of Cincinnati among the great cities of the West, and St. Louis is called the "only large town in the centre of the Union." The estimates of population, too, are based upon old tables, and are quite wide of the returns of the last census.

The first forty pages of the manual are devoted to a rapid survey of the physical geography of the globe. Bating a few specimens of ambitious rhetoric, as where we read of the marches of Hannibal and Napoleon "*adorning* the page of history," and of "the tiny stream over which childhood may leap," and an occasional questionable scientific statement, such as that upon the formation of lakes, this survey is excellent. There is some bathos, certainly, in the account of the Ocean, and Byron's swelling stanzas are by no means improved by the prose rendering which Mr. Bohn gives of them. In the short preliminary sketch of "Political and Descriptive Geography," we have noted one strange omission in the catalogue of European languages "extensively spoken and understood," that of the Italian language, which is not only the language of the great Italian nation, but to a large extent of the Levant, and has a wider range than the Greek, and certainly than the Latin, which is mentioned as one of the eight. No mention is made of the Swedish, Danish, Rouman, or Magyar, which are really more spoken than the Latin. Two hundred and fifty-five pages of the volume are given to Europe, of which the British kingdom has one hundred, France fifteen, Germany sixteen, Prussia ten, Austria twelve, Italy fourteen, Russia seventeen, and Turkey ten, with a still smaller allowance to the remaining states. The errors in this portion of the volume are few and unimportant. We encounter, however, the absurd statement that the library of Earl Spencer at Althorpe is "the finest library in Europe"! The number of volumes, too, in several of the large libraries is underrated, as in that of Paris, which is put at only 800,000. The population of Paris, too, is stated at a million or thereabouts, instead of

1,700,000, as it should be. It is said to be *five days'* journey from Vienna to Trieste, while it is really not more than twenty-four hours by a railway which has been opened for several years. The only objection which we have to make to the exquisitely engraved and colored maps of the volume is, that they are not brought up to the present time, particularly in the delineation of railways.

To Asia are given sixty-eight pages, and five maps. The summary of this portion is made with great skill, and there are scarcely any mistakes. The most important that we noticed are the statement of the *four castes* in India, scarcely one eighth of the real number, and the evident error, due to mere carelessness, which makes the Presidency of Madras to consist of "145 square miles"! To Africa forty-four pages are given, and we have all here but the latest discoveries of Burton and Livingstone. From the list of lakes, Nyassa is unaccountably omitted. To America, North and South, with the West India Islands, seventy-two pages and ten maps are given. In this part mistakes are more frequent, and there are some typographical blunders. The last division of the work, with thirty-seven pages and four maps, treats of Australia, the islands of the Indian and Pacific Oceans, and the Arctic and Antarctic regions. There is a copious Index; a very carefully prepared tabular view is prefixed to each section; and the wood-cuts really help to make the text interesting by their aptness and their spirit. The volume is one of the most valuable of the long and various series of Bohn's Libraries, and we know of no English geography at once so full and so convenient for handling.

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4. — *Essai d'Interprétation de Quelques Parties de l'Évangile selon Saint Matthieu.* Par HENRI LUTTEROTH. Chaps. 1 et 2. Paris: Meyrueis. 1860. 8vo. pp. 142.

M. LUTTEROTH adopts the theory of Baur, that the Gospels were all written with a peculiar plan and design, ulterior to that of telling the story of Jesus. He maintains that only when such a special design is recognized can the discrepancies of the Gospels be explained, and the things which they mention, as well as the things which they omit, be accounted for. His theory of Matthew's Gospel is, that it was written for the purpose of refuting the false Messianic notions of the Jewish Christians, and vindicating the idea of a spiritual Messiah. He accepts as genuine the first two chapters of the Gospel, but goes on to show that Matthew introduces them only to heighten the contrast of the argument to follow, — that he gives this genealogy of Joseph, from

ancient kings, only to exalt the higher lineage of one whom he proceeds to exalt as the very son of the Holy Ghost. If all the genealogy were to be received, it would prove only that the son of Joseph was, according to expectation, of the line of David and Abraham. But Jesus not being really the son of Joseph, the genealogy can have no weight. The author regards the second chapter, not as the historical continuation, but as the logical reply to the first. The theory seems to us to be untenable, and it is not defended by any clear or close argument. But while we are not ready to accept M. Lutteroth's theory of the fragmentary origin and polemic purpose of Matthew's Gospel, or to agree with him "that Matthew produced the genealogy which is placed at the head of his Gospel only to reject it, and related the visit of the Magi only on account of popular errors which were connected with this tradition, and which he wished to correct," we find in the volume much candid, free, and valuable criticism. Some of the renderings are new, and others present familiar meanings in a new light. The view of the "fulfilment" of prophecy, which the author seems to claim as a discovery, is only the "accommodation" theory differently stated.

M. Lutteroth offers some sagacious remarks concerning the star which the Magi saw, which he considers to have been a natural appearance, — one of those stars which are well known to astronomers as having appeared for a season, and afterward passed out of sight. He assigns the visit of the Magi to a later date than that usually supposed, says that the Magi had heard of the birth of Christ in Persia, before they set out on their journey, and that when they reached Bethlehem, the child had been presented in the temple, and had returned with his parents to his birthplace. He finds no contradiction between the accounts of Luke and Matthew, since Luke tells what took place at the birth, while Matthew tells what took place some weeks after the birth. The reason of his mentioning this coming of the Magi with gifts as to a king is, that he wished to show how unlike was the real sovereignty which Jesus claimed and exercised to the kind of homage indicated by these gifts.

Beside our general objection to M. Lutteroth's theory, we have two special objections to his volume. One is, that he has not used the best Greek text, Tischendorf's, nor yet even Lachmann's. The other is, that he has inserted among the notes a long polemical discussion on the Paschal chronology, which has nothing to do with the subject of his treatise.

5. — *Sermons du* Père Gavazzi, *Chapelain de Garibaldi, suivis de l'Ouverture des Chambres à Gaëte et du Départ de la Police, Pièces Macaroniques.* Traduits de l'Italien par Félix Mornaud, précédés d'une Notice sur le Père Gavazzi. Paris: Poulet-Malassis et De Broise. 1861. 16mo. pp. 255.

Anything translated by M. Félix Mornaud is sure not to want the quality of spirit and brilliancy, whatever else it may lack. This reproduction of Gavazzi's Neapolitan harangues is certainly entertaining; but it seems a strange misnomer to call such productions "Sermons." They are sermons only for the reason that he who uttered them was a priest. Otherwise, no one would dream of classing them under such a title. They have neither the topics nor the style which belong to sermons, on any theory of preaching. They take no text from Scripture, and make no use of the sacred volume, except an occasional profane application of its words to Italian affairs. Not one doctrine of the creed, not one religious idea, comes up for discussion or notice. They are simply a series of vehement philippics against the Bourbons of Naples, and equally vehement laudations of Victor Emmanuel and Garibaldi. Their only argument is a plea for Italian unity. Their only warning is a warning against political quarrels and jealousy. Their gratulation is that the Bourbons are gone, and that Naples is free. Sermons they are not, but they are very remarkable harangues, for boldness, for shrewdness, for vigor of expression, for keen satire, and for terrible invective. They are characteristic specimens of Italian popular oratory. The words rush on in a torrent; yet it is not random speech, but considered and methodical madness. The appeal is to all classes, and to each class it is appropriately put. The women of Naples are urged to lend their aid in the holy cause of freedom, to give up their slavish devotion to prayers, ceremonies, and the confessional, and to make themselves useful in rescuing the suffering, in preparing soldiers for the army, and in educating their children in sentiments of patriotism. The clergy are exhorted to preach the new Gospel of Italian regeneration. In one of his addresses to the clergy, Father Gavazzi has a passage upon the vexed question of "preaching politics," which may be taken as a specimen of his style.

"But the clergy, to avoid compromising itself, to avoid taking trouble, may say, 'I don't meddle with political questions. I can't enter into secular affairs.' O, you have busied yourself about these full enough until now. Can you not look after these things a little while longer. But no, I do not ask that you look after such things. I don't say to the clergy, 'Preach politics.' I do not say, 'Stand up in the pulpit to talk about political economy, or to talk about diplomacy, or to talk about how to make Italy over again.' *No!* I do not

say this. But I do say, emphatically, Clergy, before going into this reaction, for which some priests and monks ought now to be in prison, — before going back and preaching in favor of the Bourbons, — without meddling with politics, speak of concord, speak of fraternity, of love, speak of the Gospel! For the *Gospel* is with us and for us! The Gospel is for Italy and not against it! Speak to us then of the Gospel! And when you have nothing better to talk about, talk about *love of country*. Yes, clergy, preach the love of country, for that is a love which Christ has sanctified, Christ has glorified, Christ has honored, Christ has enjoined, Christ has blessed. Preach, clergy, the love of country, if you would raise yourself in the eyes of the country."

These discourses of Gavazzi were delivered in the open air, in the great square of Naples, near the Royal Palace, to immense crowds of the lower classes of the city, soon after the departure of the king and his family. They abound in such illustrations as the scenes around him and the then recent events were likely to suggest. The invention of the orator is taxed to furnish epithets of contempt for the fugitive tyrant. There are bold words, too, about the Roman government, and more than once, Gavazzi dares to tell that superstitious Catholic crowd that the time has come when the Pope must drop his secular sovereignty, and be content with a spiritual lordship. Still bolder is the sarcastic speech which he ventures to employ about the liquefying blood of St. Gennaro; and he not obscurely hints that the whole thing is a priestly trick, and that a well-sustained threat can at any time renew the miracle. The reporter of the discourses has given them additional picturesqueness of effect by inserting in parentheses the applauses of the crowd, and the gestures of the orator. No French translation, however, can do justice to the sonorous and rolling periods of Gavazzi's Italian, as pure as the best dialect of Rome.

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6. — *Histoire de la Vie et des Écrits de Lord Byron. Esquisse de la Poésie Anglaise au Commencement du XIX^e^ Siècle.* Par ARMAND MONDOT, Professeur de Littérature Etrangère à la Faculté des Lettres de Montpellier. Paris: Durand. 1860. 12mo. pp. 350.

MONDOT'S Essay on Lord Byron and his Writings, which seems to have been an *ouvrage couronné* of the Academy of Sciences and Letters in Montpellier, is an admirable specimen of calm, sagacious, and dignified criticism. The writer says just enough, and says it in the right way. He is a warm admirer of the great English poet, but no apologist for his vices or his eccentricities, and by no means a convert to his poetical theories. He has not aimed to give a full account of the man in all his strength and weakness, but to give an account of

the poet, and has exposed the life of the man only so far as it bears upon his poetical achievement. The personal sketch is simply the connecting thread for the separate stories of the several works, which are judged by their own merits, without regard to the character or the reputation of their author. We have but the merest glance at Byron's domestic troubles, and only the bare mention of his illicit connections. Mondot's work is a piece of literary biography, completely French in its exactness, in the notes not less than in the text.

One thing ludicrous there is in this otherwise very respectable production. Of most of Byron's poems Mondot undertakes to give an idea by the version of passages. In no respect are these versions renderings of the original. They are as far from repeating the lyric swing, rhythm, and fire of Byron as they are from literal accuracy. Mondot, indeed, apologizes for his inability to do justice to compositions so crowded with imagery and so instinct with passion. But he errs in thinking that his versified translations come near to giving even a taste of Byron. They are even wider of the mark than Châteaubriand's translations of Milton. It would have been better to leave them with a literal prose rendering. The English reader who attempts to enjoy the flavor of Childe Harold, or Lara, or Manfred, in these French stanzas, will soon become indignant on finding how utterly the music, the grandeur, and the breadth of thought and imagery disappear, as Byron's swelling lines are replaced by these finical and mincing phrases.

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7. — *Les Sœurs de Lait, Scènes et Souvenirs du Bas Languedoc.* Par Mme. Louis Figuier. Paris: Hachette. 1861. 12mo. pp. 178.

The scientific reputation of M. Louis Figuier is likely to be fairly equalled by the literary success of the lady who bears his name. In her last story she has wrought out with great ingenuity, and with exquisite purity, both of style and thought, the very simple but very annoying theme of a man in love with two persons at once, both of whom are in love with him, and both of whom are so charming that it is as impossible for the reader as for the lover to tell which he ought most to love. The two damsels are *sœurs de lait*, foster-sisters, — different in rank and fortune, but equal in graces and equal in virtues, — both of them natural, chaste, kind, and self-sacrificing. There is of course only one way of solving such a problem, and that is, by the death of the lover. But no hint is given of this solution until the very last pages of the book; nor is the reader permitted to suspect such a conclusion. The principal characters in the story are set off by excel-

lent auxiliaries, in the shape of a drunken father, an intriguing mother, an old grandmother, dumb with palsy, who is made to speak by the electrical cure (in this Madame Figuier makes use of her husband's science), a grisette sister, with her roistering lover, an old maid duenna, who also falls in love with the hero of the story, and a Savoyard servant, who loves one of the heroines.

Not merely in the fine delineation of the characters, but in the descriptions of local scenery and customs in Languedoc, this story is very charming. We have a graphic picture of the Carnival, the scenes of Easter week, a fancy ball, the street promenades, and the interior life, with costumes and style very carefully noted. The most original scene, perhaps, is that of the *chasse aux macreuses*, — wild-duck hunting by torchlight on the lakes, differing widely from any form of sport which we have seen elsewhere described. Then we have the game of *maïl*, played with great hammers and wooden balls. Flowers are described by Madame Figuier with a minuteness which shows the botanist not less than the artist. Altogether this French story is one that can be commended as fit for any circle, and good alike in its style, its sentiment, and its final impression.

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8. — *Lettres d'un Bon Jeune Homme à sa Cousine Madeleine. Recueillées et mises en Ordre.* Par EDMOND ABOUT. Paris: Michel Lévy Frères. 1861. 12mo. pp. 397.

AN author may presume too far upon his popularity; and this is what M. About has done in his latest volume. He has proved that it is possible for the author of a dozen brilliant books to be absolutely dull. The sketches in this volume are fragmentary, disconnected, often without point and even without wit. They seem to be gathered from the loose articles which have been thrown off from time to time in the magazines and newspapers. The title, foolishly fantastic, has no significance at the head of a volume which is mainly concerned with political satire and discussion, with topics in which neither the "Good Young Man" nor his "Cousin Madeleine" would be likely to take any special interest. Some of the political speculations are sensible enough; but in the main they are excessively careless, thin, and worthless. M. About is not the person to offer any valuable views on the "Imperial Democracy," the "Liberty of the Press," "Parliamentary Régime," or "Municipal Liberties"; nor can his saucy and dashing style save his lucubrations on these themes from becoming tiresome.

The volume is not all dull, however; and if it had come from a

writer less noted, might even, in its earlier chapters, surprise by its piquancy. There are bright things enough said to make the fortune of any ordinarily heavy writer. The sketch of Baden-Baden, which opens the series, is very racy; and throughout the book there are scattered pleasant epigrammatic sayings. "La plus riche de toutes les libertés, c'est la liberté de s'enrichir," is worth keeping for a proverb. What the popular newspaper says will apply to some American journals of like kind, — "Je ne suis pas un journal de principes, car mes principes ont changé plus d'une fois; je suis un journal de famille, et je me glorifie d'être toujours resté fidèle à mes affections." "I have the same religion as the rest of you," says the Legitimist to his Catholic friends, "since *je crois sans examiner et sans pratiquer.*" *Apropos* of M. Veuillot, he makes an ingenious pun, — "Car il est plus facile de ruiner un éditeur que de ruiner un argument, et la réplique la plus *saisissante* sera toujours une *saisié.*" "If bishops," he says, "have ceased to give to the children of kings lessons of *politique*, the time will come when kings will give bishops lessons of *politesse.*" Hits like these redeem the book from absolute dulness; but as a whole, it is the least interesting of all the volumes which bear M. About's name, and shows decidedly a loss of power.

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9. — 1. *The Constitutional History of England from the Accession of Henry VII. to the Death of George II.* By HENRY HALLAM, LL. D., F. R. A. S., Foreign Associate of the Institute of France. Boston: Crosby, Nichols, Lee, & Co. 1861. 3 vols. Small 8vo.
2. *The Constitutional History of England since the Accession of George III.* 1760 – 1860. By THOMAS ERSKINE MAY, C. B. Vol. I. London: Longman, Green, Longman, and Roberts. 1861. 8vo. pp. xvi. and 512.

WE have had occasion so recently to speak at some length of Mr. Hallam's general characteristics as an historian, and of the special merits of his "Constitutional History of England," that any further remarks on that great work would be superfluous, and it is now necessary only to note the publication of a new edition of it almost simultaneously with the appearance of the first volume of Mr. May's History, which is designed as a continuation of Mr. Hallam's labors.

The task which Mr. May has assumed is by no means an easy one. He has to follow a writer whose candor and impartiality are universally recognized, and cannot be too highly praised; his narrative traverses a period during which party prejudice and passion burned with even

more than their usual fierceness; and he has to discuss questions which are still debated with pertinacity and earnestness. But he has performed his task with signal ability and success. He is not less moderate in his opinions, and he preserves a not less rigid impartiality, than his predecessor, while his style is more fluent and animated. His materials are abundant and trustworthy, and he has made excellent use of the vast treasures of information which, within the last twenty years, have thrown a greater flood of light on the reign of George III. than illuminates any other period of English history. He has cited no manuscript authorities; but his references to printed works are numerous and judiciously made, and he appears to be familiar with the latest and best works on every part of his subject. More than this, his knowledge has been thoroughly digested; and his volume everywhere gives evidence of the depth, as well as of the extent, of his information.

His plan differs in several important particulars from Mr. Hallam's, and is open to adverse criticism on the ground that it involves the treatment of one topic under several heads; but if we take into consideration the limited extent of the period covered by his work, and the nature and relations of the subjects discussed in it, we are inclined to think that no better plan could have been formed. To the manner in which it has been executed we have scarcely any exception to take. Mr. May's division of his topics is simple and natural, and, so far as we can judge from the portion of his work now before us, and from his references to various chapters in his second volume, it covers the whole ground. The first volume is divided into seven chapters. Of these the first two relate to the Influence of the Crown, from the accession of George III. to the present time, and trace its rapid growth in the early part of the reign of George III., when the king was strong enough to supersede that system of government by party which Burke so warmly eulogized, through all the modifications of the personal influence of the sovereign down to its just regulation under the present queen. The third chapter gives a full and satisfactory account of the memorable debates on the Regency question, with notices of the subsequent legislation relative to the incapacity or minority of the sovereign. The fourth chapter relates to the revenue of the crown, and contains a very admirable statement of the legislation during the last hundred years, in regard to the Civil List and other closely connected topics. The fifth chapter is devoted to the House of Lords and the Peerage, and treats of the different classes of peers, and of the sources and nature of their influence. The next chapter is on the House of Commons, and narrates at length the history of the various attempts at Parliamentary Reform, with some incidental remarks on a few topics of secondary

importance. The last chapter in the volume treats of the relations of Parliament, and especially of the House of Commons, to the crown, the law, and the people, and relates to the proceedings against Wilkes, the contest of the House of Commons with the printers, and some other topics connected with the rights and privileges of the two Houses.

The second volume will include chapters on the history of party, civil and religious liberty, the administration of justice, the press, and other subjects. If it is executed with as much ability as the volume now published, the work will take its place among our standard histories, and will form an inseparable continuation of Mr. Hallam's first two works. We shall probably return to this subject on the completion of Mr. May's labors.

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10. — *Memoirs, Biographical and Historical, of Bulstrode Whitelocke, Lord Commissioner of the Great Seal, and Ambassador at the Court of Sweden, at the Period of the Commonwealth.* By R. H. Whitelocke, Professor Royal of Wurtemberg. London: Routledge, Warne, and Routledge. 1860. 8vo. pp. xvi. and 475.

Bulstrode Whitelocke was one of the most conspicuous persons in England during the Commonwealth and the Protectorate. Yet he owes most of his reputation at the present time to the fact that he united the character of an author with that of a politician. At his death he left an immense mass of biographical and historical memoranda to illustrate both his own life and the public transactions of that eventful period. Many of these documents are of much importance, and a selection from them was published after Whitelocke's death, under the title of "Memorials of English Affairs," which is well known to students of English history, and forms one of the principal sources of original information as to the civil war and the period immediately following it. From this work, and from some manuscript documents in the possession of his family, the memoir before us has been for the most part compiled. Though it brings forward few new facts, it presents a full and pretty well digested account of Whitelocke's public and private life, and includes many voluminous extracts from his published writings. The author, who is, we presume, a descendant from the Lord Keeper, is strongly inclined to exalt the personal character and to magnify the political sagacity of his hero, and his estimate of both must be taken with much qualification. He has moreover a very absurd prejudice against lawyers, which he ventilates whenever an opportunity occurs, and on some other points his views are equally indefensible. His style has little brilliancy or vivacity, and as a whole the book is tedious and un-

satisfactory. It will scarcely raise Whitelocke's reputation either as a statesman or as a patriot. Though he was an acute lawyer, and humane in his sentiments, he was timid and vacillating in policy; and the reproach of insincerity rests heavily on some parts of his conduct. In more quiet times he might have been a great lawyer or a successful diplomatist; but he was not equal to the position into which he was thrown during the civil war.

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11. — 1. *The Diaries and Correspondence of the* Right Hon. George Rose: *containing Original Letters of the Most Distinguished Statesmen of his Day.* Edited by the Rev. Leveson Vernon Harcourt. London: Richard Bentley. 1860. 2 vols. 8vo. pp. xvi. and 518, 527.

2. *The Diary and Correspondence of* Charles Abbot, Lord Colchester, *Speaker of the House of Commons*, 1802 – 1817. Edited by his Son, Charles, Lord Colchester. London: John Murray. 1861. 3 vols. 8vo.

3. *The Autobiography and Correspondence of* Mary Granville, Mrs. Delany: *with interesting Reminiscences of George the Third and Queen Charlotte.* Edited by the Right Honorable Lady Llanover. London: Richard Bentley. 1861. 3 vols. 8vo.

4. *Autobiography, Letters, and Literary Remains of* Mrs. Piozzi (Thrale). Edited, with Notes, and an Introductory Account of her Life and Writings, by A. Hayward, Esq., Q. C. Boston: Ticknor and Fields. 1861. 12mo. pp. 531.

No period of English history has been so amply illustrated as the reign of George III. It might seem, indeed, as though almost every person of note in that age kept a diary, and wrote or preserved letters, with a view to posthumous publication; and within a quarter of a century more than a hundred volumes of "Diaries and Correspondence" must have been given to the world. The increased facilities for the transmission of letters in that reign, as compared with the preceding century, tended to make letter-writing fashionable; while travelling was still attended with too many discomforts and inconveniences to allow of much personal intercourse between town and country. Under these circumstances it is not surprising that the art of letter-writing attained to a degree of perfection which we fear that it no longer possesses; and, fortunately, enough of this correspondence has been preserved to enable us to form almost as clear a conception of the statesmen then directing public affairs as if we had personally known them. The published dia-

ries and letters of the period are an invaluable contribution to historical literature; and it is with much satisfaction that we add to this rich catalogue the volumes named above. All of them have been published within a few months, and all add something by way of corroboration or amendment to our previous knowledge of the social and political history of England.

Of the four letter-writers named at the head of this notice, George Rose never held a seat in the Cabinet, but he was always an active politician, and during nearly half of his life he was connected with the government, and on terms of friendship and intimacy with the head of the administration. In politics he was one of the most devoted followers of the younger Pitt, to whose patronage he owed his entrance into office, and he was for nearly a quarter of a century one of that great man's confidential advisers. To this circumstance much the larger part of his reputation may be traced; and the chief interest of his "Diaries and Correspondence" arises from the light which they throw on Mr. Pitt's life and character. Many of the letters printed in his Correspondence are from Mr. Pitt himself, or relate directly to him; and a large part of the Diaries consists of notes of conversation with him. Among Mr. Rose's correspondents were the Bishop of Lincoln (Pitt's biographer), Lord Auckland, Mr. Canning, and other prominent politicians; and the whole collection, which covers a period of nearly forty years, possesses much historical interest. But it has been edited in a manner which can scarcely be too severely criticised. The materials are arranged according to no well-considered plan; reference to particular documents is rendered difficult by the want of an Index; there are no biographical notes or illustrations; and the size of the volumes is increased nearly one half by the addition of a worthless commentary. We have never, indeed, seen a worse-edited book, or one in which the utter incompetency of the editor was more obvious. A bigoted admiration of Mr. Pitt, and an equally insane hatred of Mr. Fox, and of the Whigs generally, appear to be Mr. Harcourt's chief qualifications for editing a correspondence which is in itself interesting and instructive, and which might have been made even more valuable, if he had understood the duties and responsibilities of an editor.

Charles Abbot, first Lord Colchester, whose journal and private letters fill the next three volumes on our list, was the son of a clergyman of the Church of England, and was born at Abingdon in Berkshire on the 14th of October, 1757. He was educated at Westminster and at Christ-Church College, Oxford, where he gained several prizes. After leaving Oxford, in the summer of 1778, he went abroad, and resided for some time on the Continent, for the further prosecution of his

studies. Early in 1783 he was admitted to the bar, but he did not acquire much distinction as a lawyer; and on the death of his brother, in 1794, he determined to relinquish all hope of achieving success in this field of professional labor, and accepted the appointment of Clerk of the Rules in the Court of King's Bench. In June, 1795, he entered Parliament as one of the nominees of the Duke of Leeds, though he afterward claimed the right to pursue an independent course in support of the measures of Mr. Pitt. On the formation of the Addington ministry, in 1801, he was made Chief Secretary for Ireland. He remained in that country as successor to Lord Castlereagh for a little more than six months, when he was chosen Speaker of the House of Commons. This important position he held until May, 1817, when he was forced by declining health to vacate the chair, and was transferred to the Upper House, with the title of Baron Colchester. In 1819 he went abroad in pursuit of health, and he remained on the Continent for nearly three years. On his return he took part occasionally in the discussions in the House of Lords, and rendered himself conspicuous as one of the opponents of Catholic Emancipation. He died on the 7th of May, 1829, and was buried in the north transept of Westminster Abbey, near the graves of Pitt and Fox, Canning and Castlereagh.

Lord Colchester was not a man of brilliant parts, but the position of First Commoner in England, which he held for more than fifteen years, gives interest and importance to his opinions respecting the men with whom he was officially connected and the measures which were discussed before him. Few persons were more favorably situated to observe the course of events, and though the selection from his papers now published is among the least interesting of its class, it is in some respects invaluable. The Diary begins on the 27th of October, 1795, shortly after he entered Parliament, and comes down almost without interruption to April 26, 1829, nearly to the last hour of his life. On several interesting and important points it affords new and unexpected information. Among these are the formation and early history of the Addington ministry, the opposition to Catholic Emancipation, and the resignation of the ultra Tories on the appointment of Canning as prime minister. In some of the early entries relative to Mr. Abbot's resignation of his seat in the House of Commons as member for the University of Oxford, Mr. Canning appears in a very unfavorable light. Nowhere else have we seen such striking proofs of that personal vanity which was one of the chief defects in his character; but it should be observed that Lord Colchester seems always to have been unfriendly to Canning, and is quite likely to have done him some injustice. Among Lord Colchester's correspondents are Lords Redesdale, Sidmouth, Castle-

reagh, and Amherst, Dr. Philpotts, now Bishop of Exeter, Mr. Pitt, Sir Robert Peel, Mr. Canning, the Duke of Wellington, and most of the party leaders of his time. Many of these letters are short and insignificant, but some are of much historical importance; and several other documents and memoranda of interest are now first printed.

Though the portion of Mrs. Delany's Correspondence now published ends only a few months after the accession of George III., we have the promise of another instalment, bringing the work down to her death in 1788, during a part of which period she resided at the court of that monarch; and it may therefore be very properly included in our present list. Mary Delany was a niece of George Granville, first Earl of Lansdowne, and was born on the 14th of May, 1700. Her father was a man of very little property, and much of her early life was passed away from home. At the age of seventeen she was forced by her uncle to marry a Cornish squire old enough to be her grandfather. This person, Pendarves by name, was coarse and brutal in his habits, and his only recommendation was his great wealth, which her uncle supposed would before long make her one of the richest widows in England. With this venerable husband she lived for seven dreary years, in a dilapidated old house in Cornwall, performing all the duties of a wife with the most assiduous fidelity until his death. When he died he left no will, and his fortune passed to his own family. Mrs. Pendarves was therefore left with but slender means of support. For the next eighteen years she remained a widow, residing partly in Ireland and partly in England; and in 1743 she again married. Her second husband was Dr. Patrick Delany, an Irish clergyman, much older than his wife, but a man of many excellent qualities, and of some ability as a writer. Her second term of married life extended over a quarter of a century, and appears to have been productive of much quiet happiness. After Dr. Delany's death his widow returned to England, and became a great favorite with the king and queen, from whom she received many proofs of affectionate regard. She died at the age of eighty-eight, leaving an unblemished name and a reputation for skill in every elegant accomplishment. The three memorial volumes edited by her kinswoman, Lady Llanover, include an Autobiographical Fragment written late in life, a series of autobiographical letters addressed to her friend the Duchess of Portland, and several hundred miscellaneous letters, most of which are to her sister, Mrs. Dewes. Mrs. Delany wrote with great ease and simplicity, and her correspondence presents a charming picture of her own life, beside throwing much light on the social condition of England and Ireland in the last century. But the collection is unreasonably voluminous, and its size

will deter many persons from reading it. Those who give the volumes a cursory examination will be amply repaid for the time thus spent. They will find much that is new, and will carry away from the book a better idea of the domestic life of cultivated people in England in the last century than can be obtained anywhere else.

The last volume on our list owes its interest to the personal history of Mrs. Piozzi, and to the celebrity which she acquired through Johnson's friendship for her, and in consequence of her second marriage, rather than to the intrinsic importance of the letters and other papers included in it. The collection is prefaced by an elaborate account of her life and writings, by the editor, a well-known contributor to the Edinburgh Review. This sketch covers nearly a hundred and sixty pages, and though it comprises many interesting facts and anecdotes, it is open to criticism as being needlessly prolix, and as including many statements which are afterward repeated in other parts of the volume. Of the remainder of the book, about one half is filled by a selection from Mrs. Piozzi's correspondence, extending over the last twenty-five years of her life, and for the most part confined to her letters to Sir James Fellowes, one of her executors. These letters are often lively and entertaining, and contain much pleasant gossip and criticism; but notwithstanding Mrs. Piozzi's reputation, they are much inferior in ease and gracefulness of expression to the letters of Mrs. Delany. Mrs. Piozzi was never an elegant or forcible writer, either in her private letters or in her published works; and after reading Mr. Hayward's selection from her writings, it is difficult to escape from the conclusion that she has been greatly overrated. Beside his selection from her correspondence, Mr. Hayward has given about twenty pages of autobiographical memoranda, apparently taken from different note-books, some characteristic marginal notes made by her in a copy of Wraxall's "Memoirs of my own Time," and in a copy of the "Letters to and from Dr. Johnson," and several interesting excerpts from "Thraliana," chiefly relating to Miss Streatfield, Fanny Burney, Baretti, and the Misses Thrale. The department especially designated as "Literary Remains" includes a large number of short pieces in prose and verse, and some extracts from Mrs. Piozzi's work on "British Synonymy." They are in no respect remarkable, but are interesting for the light which they throw on the intellectual character of a woman who held so conspicuous a place in literary and fashionable society at the close of the last century.

12. — *Vacation Tourists, and Notes of Travel in* 1860. Edited by FRANCIS GALTON, M. A., F. R. S., Author of "The Art of Travel," etc. Cambridge [England]: Macmillan & Co. 1861. 8vo. pp. viii. and 483.

THIS volume affords a striking illustration of the prevalent taste for travel and adventure, and is both novel and attractive in its design. It includes thirteen narratives of journeys, separately undertaken in the summer of 1860, by members of the Universities of Oxford and Cambridge, and other gentlemen in the pursuit of health or pleasure, the records of which are brought together in a single volume merely for convenience of publication. Of these narratives, four relate to Switzerland, one to Syria, one to Peru, one to Iceland, one to Scotland, and the rest to different parts of Europe. They are marked by great inequalities of style, and by the defects incident to the hasty preparation of such a volume; but on the whole the design has been well executed, and future publications of the same general character will form a welcome addition to the literature of travel. The most noticeable papers in the volume are the "Journal of a Yacht Voyage to the Faroe Islands and Iceland," by Mr. J. W. Clark, Fellow of Trinity College, Cambridge, and the account of a visit to Norway by Mr. H. F. Tozer, Fellow and Tutor of Exeter College, Oxford. Both deal with comparatively unhackneyed subjects, and are enlivened by many graphic sketches. Next to these in interest are the several papers descriptive of adventures in Switzerland, and the narrative of "A Visit to Peru" by Mr. C. C. Bowen, the last of which is scarcely inferior to the best pieces in the volume. The paper on "Naples and Garibaldi," by Mr. W. G. Clark, Tutor of Trinity College, and Public Orator of the University of Cambridge, and the narrative of "A Visit to North Spain at the Time of the Eclipse," by the editor, are scarcely worthy of the place which they occupy. Their omission would have been no loss to the reader. The other papers do not demand special notice.

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13. — *Sketches of Early Scotch History and Social Progress. Church Organization: The University: Home Life.* By C. INNES. Edinburgh: Edminston and Douglas. 1861. 8vo. pp. xx. and 624.

THE early history of Scotland is far less interesting to the general reader than is that of England or of the Continental nations during the same period. Yet it presents some salient points, and within a few years it has received much attention from Scotch antiquaries. Their researches have brought to light many curious documents, which have

not only illustrated the annals of their own country, but have also helped to elucidate the history and institutions of other nations. Some of the most important results of these studies were embodied in Mr. Innes's interesting and instructive volume on Scotland in the Middle Ages, noticed in a former number of this journal; and in the work now before us, he has collected some further fruits of his inquiries in the same field of historical investigation. The substance of the volume has already appeared in works issued by the Bannatyne Club and other publishing societies in Scotland; but to most readers the whole will be new. The materials collected by Mr. Innes are now distributed into three chapters of unequal length. Of these, the first traces in a rapid manner the ecclesiastical history of Scotland from the introduction of Christianity, including notices of the principal bishoprics, Glasgow, Caithness, and Aberdeen, and of the great monasteries, Melrose, Scone, Newbattle, Kelso, and others. It exhibits much research, but from the multiplicity of uninteresting details, and the frequent occurrence of unfamiliar names, the narrative is singularly dry and tedious. The next chapter records the history of the Universities of Glasgow and Aberdeen, and is at once curious and entertaining. It is enriched with many striking extracts from contemporary diaries and other trustworthy documents. As a picture of Scotch college life at different periods in the history of the two Universities, it will be read with much interest. The third chapter is based on the Morton, Breadalbane, Cawdor, and Kilravock Papers, and gives an excellent view of the social progress of the country as illustrated by the history of those families. Like the chapter on college life, it comprises much important information, and is a valuable contribution to historical literature. The Appendix contains several original documents, together with a discussion of some curious points in Scotch history. The worth of the volume is much enhanced by a very full Glossary and an Index.

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14. — *The History of France.* By PARKE GODWIN. Vol. I. (Ancient Gaul.) New York: Harper and Brothers. 1860. 8vo. pp. 495.

IT is a singular fact, that there is in our language no good history of France. Important eras, detached periods, have been treated by English authors with great intelligence and skill; yet the literature of England lacks a full and satisfactory narrative of the events that have made its neighbor across the Channel perhaps the most influential nation on the continent of Europe. The interest which British statesmen and

scholars have felt in the affairs of France has, doubtless, been satisfied by the copious collections made by French writers and in their own language; while the information needed or desired by the body of the English people has been competently supplied by such meagre sketches and epitomes as those of White, Smedley, and Crowe. We may well congratulate ourselves that in our country has arisen the scholar whose learning and abilities have specially fitted him for this task, and whose love of literary investigation and fondness for this particular subject are strong enough to carry him through all its difficulties. To write the entire history of the French people, from the early days when the Gauls first appear in the annals of the world, down to the close of the last century, involves a labor which nothing but a genuine enthusiasm would willingly encounter. To write it in a manner that befits the remarkable story itself, demands not only learning, patient labor, and the mastery of a good style, but the highest form of historical genius, — that rare capacity for selecting and grouping, for combination and arrangement, for painting, in clear perspective and fit colors, the long series of the events and personages that stand out prominently in the life of a nation. That Mr. Godwin will exhibit that genius, we are not yet prepared to affirm; but we have no doubt that his work, when completed, will be an invaluable addition to our historical literature, and entitle him to a place among the more conspicuous historians who have made our language in that department so illustrious.

This first volume opens with the earliest notices that history furnishes of the ancient dwellers in Gaul, and closes with the Treaty at Verdun, in 843, by which the dominions of Charlemagne were divided among his sons. The sketches of the different portions of this long period are, of course, of very unequal interest; yet all are given in a lively, picturesque style, which nowhere allows the reader's attention to flag. The importance of the several eras is well discriminated, and their due prominence given to the divers personages who appear on the canvas. Charles Martel, Pepin, and Charlemagne are presented with great distinctness, and the details of their respective careers skilfully wrought out. The classical scholar will read attentively, and not without instruction, the account of the Roman dominion in Gaul, and its permanent effects there. And though few in our day care anything for the internal wars of Austrasia and Neustria, not many, we are persuaded, will be disposed to omit the chapter that records them.

If we rightly understand Mr. Godwin's Preface, his plan is to complete his labors in six volumes, bringing his work down to the period of the Revolution of 1789. The next volume will treat of Feudal France to the time of St. Louis; the third, of the period of the national and religious wars; the fourth, of the times of the great ministers, Sully, Mazarin, and

Richelieu; the fifth, of the reign of Louis XIV.; and the last, of the eighteenth century. We shall look eagerly for those coming volumes, and shall expect to find them worthy of the author's genius, learning, and industry, and a valuable contribution to the literature of our country.

Mr. Godwin writes generally in a very pleasant and sprightly, though occasionally too ambitious style, and shows an excellent mastery of the English tongue, which he uses commonly with great propriety and effect. Yet he is guilty sometimes of what seems to us an unpardonable affectation, or something worse, in his introduction of strange words. We can bear, though we are not pleased, to meet our old familiar Odin under the disguise of Odhinn; and though we are aware what work Gregory of Tours and others make of Frankish proper names, we hardly like to meet him whom we have so long known as Clovis, transformed into Chlodowig, and Lothaire changed into Lutherr. But worse than this, why will not "eager," or "covetous," answer Mr. Godwin's needs as well as *avid*, which stares us in the face on the very first page. He seems to delight in *consternated*, where "frightened" would be strong enough. *Ascribed to the glebe*, whatever may be thought of it as a rendering of *ascripti glebæ*, is certainly not English; and when he says *atoned with his hide*, few would at once think of a forfeiture of landed property. We doubt the fitness of *equal lances* as a translation of the *æqua lance* of St. Gregory, when plainly the notion is simply of a pair of scales. When he says, "The Roman *rhetors coruscated* with congratulatory metaphors," he has surely forgotten the law of simplicity. There are other like cases. They are only blemishes, yet very disagreeable ones, in a work generally marked by good taste, and which has so much real excellence and merit.

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15. — *Wissenschaftliche Grammatik der Englischen Sprache von* Eduard Fiedler, Weiland Oberlehrer am Gymnasium zu Zerbst, und Dr. Carl Sachs, Oberlehrer am Gymnasium zu Brandenburg a. H. Leipzig: Wilhelm Violet. 1861. 2 vols. 8vo. pp. xix., 314, 412.

A work of true German scholarship is the new English Grammar by Edward Fiedler and Carl Sachs. It must be allowed, setting all national pride aside, that little enough has been done to throw light upon the historical development of the English language, and now we find German scholars leading the way. Appreciating at their just value the works of Latham and others, it must still be admitted that our language possesses nothing which for research and comprehensiveness can compare with the labors of the brothers Grimm in Germany, and their numerous successors.

The *Wissenschaftliche Grammatik* of Fiedler and Sachs is a study upon that portion of the Indo-Germanic tongues more particularly connected with English etymology. The latest labors of Sanscrit scholars have been freely used, and the work is enriched with the newest results of researches in the domain of the Celtic branches, as well as of those in the Gothic and Saxon. Still that clear and simple exposition of facts, which is the first virtue of French and English philological productions, will be sought in vain in the learned volume now under consideration. One will often be reminded of the words of Madame de Staël, when perusing some of those laborious expositions, — they apply perhaps as well to German philologers as to German playwrights, — *Les Allemands ne savent jamais finir.*

The present work, divided as it is with scientific precision and overloaded with citations, is calculated only for professed scholars. There is not a single page that would bear consecutive reading. One section is developed with particular fulness. It is that concerning the relative Romanic and Germanic elements in the English tongue. The second volume is devoted exclusively to the syntax and prosody of the language. The truly "Scientific Grammar," presenting the results of the labors of its authors in the driest possible form, is well adapted for reference. It commends itself to the scholar by the genuineness of research, and the perfectly incredible amount of learning displayed on every page.

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16. — *The Washingtons. A Tale of a Country Parish in the 17th Century. Based on Authentic Documents.* By JOHN NASSAU SIMPKINSON, Rector of Brington, Northants. London: Longman, Green, Longman, and Roberts. 1860. 16mo. pp. 326, lxxxix.

IN Brington church may be still read the epitaph of Lawrence Washington, the father of John, the first member of the family who emigrated to America, and whose grandson or great-grandson was the father of George Washington. The parish record of Brington and the church-walls reveal other names of the same family, as also memorials of the noble Spencer family, connected by marriage and close intimacy with the Washingtons; and the entire neighborhood retains numerous traditions concerning both these households, — the one illustrious in its ancestry, the other predestined to a higher and more cosmopolitan fame in its posterity. It was not unnatural that Mr. Simpkinson should have traced out and set in order such vestiges as were within his reach of a name identified with heroism and liberty all the world over, and no man can have greater adaptation or facilities for such a task than

an English clergyman of the Established Church. Our author has combined two enterprises in this one volume. More than three fourths of its pages are occupied by an historical novel, in which are brought together the known names, places, and incidents connected with the Washingtons in the lifetime of the emigrant John. The story is carefully conformed, not only to the manners and culture of the seventeenth century, but, in many of its most interesting particulars, to the specific entries in sundry "Household Books" recently found at Althorp, the chief seat of the Spencers. These books, of which Mr. Simpkinson gives copious extracts in an Appendix, must be of invaluable worth to the antiquary. They contain complete inventories of the furniture in the various apartments, a minute account of the expenses incurred in a banquet given in 1634 to Charles I. and his Queen, and the smallest details of expenditure on the farm and for the table. With these points of support, and these limitations in record and tradition, there still remained a wide scope for invention in the sketching of character and of individual experience. In this our author has been happy. He presents a series of pleasing pictures, and the tale, while as far as possible from the sensation school, has enough of interest and excitement to satisfy a moderate taste. There are two characters that are described with great skill, and are adapted to remain profoundly impressed on the reader's mind, — those of the curate of Brington and Edward Spencer, who are represented as in intimate religious communion, — the former being what would now be termed a Low Churchman, and the latter lower still, and strongly leaning toward Puritanism.

But, to American readers at least, the chief interest of the book must grow from the portion given to the genealogy and history of the Washington family, in which our author thinks that he has made several valuable discoveries. The Spencer connection is carried back as far as the reign of Henry VIII., and the household books furnish abundant proof that the Washingtons frequented Althorp, and were on terms of the most familiar intercourse with its owners. It appears also from these books that John Washington was knighted by James I. in 1622 or 1623, — a fact which does no especial credit to his memory, though it is certainly to his credit that he dropped his title on the ocean passage, and was never known by it in the New World. A Mr. Washington, a page in attendance on Prince Charles during his Spanish courtship, of whose death at Madrid mention is made in Howell's "Familiar Letters," is believed to have been a younger brother of Sir John. Our author supplies materials for a hypothetical correction in the commonly received accounts of John Washington's life in America. He is known to have arrived in Virginia in 1657. After his settle-

ment in the Province, he is said to have married Miss Ann Pope, to have become a magistrate and a member of the House of Burgesses, and, in the capacity of colonel, to have led the Virginia and Maryland forces against a band of Seneca Indians. All this may have been; but he was an old man to have been and become so much in the land of his exile. He must have been married as early as 1620, and was a widower in 1624. His father was married in 1588, and the date of John's knighthood certainly renders it probable that he was one of the oldest of the seventeen children of that marriage. He had three sons, — Mordaunt, John, and Philip, — of whom there remain no authentic records. Is it not highly probable that his son John accompanied him to Virginia, and that it was the son, not the father, who married Ann Pope, and chastised the Seneca Indians? Our author has very little doubt that he has identified the house occupied at Brington by Lawrence Washington, the father of Sir John. There is still standing a house, more substantial and more ornate than the surrounding farm-houses, with the following inscription over the door: "THE LORD GIVETH THE LORD TAKETH AWAY BLESSED BE THE NAME OF THE LORD CONSTRUCTA 1606." Now the parish register records both the baptism and the burial of a child of Lawrence Washington during the year 1606, while it furnishes no other name whose parochial history corresponds to this motto, so unique and so touching. For ourselves we are convinced, and, should it be our happiness to set foot on English soil, we shall make a reverent pilgrimage to that ancient dwelling, as the home and nursery of those noble elements of character which had distinguished the Washington family long before they culminated in him who has made the name immortal. And not the least of our anticipated pleasures will be the prosecution of our quest under the courteous guidance of Mr. Simpkinson, who has so thoroughly won our respect for him as a writer, our confidence in him as an antiquary, and our high appreciation of his worth as a Christian man and minister.

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17. — *The Schools of Modern Greece. A Lecture before the American Institute of Instruction.* By CORNELIUS C. FELTON, President of Harvard College. 12mo. pp. 72.

THIS Lecture is so full of valuable information — much of it derived from the author's own observation and correspondence, and almost all of it from sources not generally accessible — that we would gladly transcribe large portions of it, had we room. But we must content ourselves with referring to a few points of special interest.

No race can ever have risen more rapidly than the Grecian. Under the Turkish rule, though the love of learning was never wholly obliterated, there were in Greece neither literary institutions nor avenues to literary distinction. Rich Greeks sent their sons to foreign universities, and these sons found employment mainly in Turkish finance and diplomacy. At the present time the educational system of Greece would compare favorably as to its organization with the very best in Europe, and President Felton doubts whether in any other country in Christendom so much is done, in proportion to the wealth and population, for the education of women. The grades of schools are the Demotic, or elementary; the Hellenic, or middle schools; and the Gymnasia; from which last pupils pass into the University of Otho at Athens. In addition to these, there exist, under the auspices of the government, Military, Agricultural, Polytechnic, and Theological schools; and especially a high school or college for the education of young women, with a department for the training of those who are destined to be teachers. There are also a considerable number of private schools. The University has already a library of nearly one hundred thousand volumes; is organized in full in the four Faculties, and has a corps of professors justly distinguished for learning and eloquence. There are many other topics touched upon in this able and intensely interesting lecture, to which we would gladly refer; but we know that the author would be most of all gratified by our quoting a portion of his account of the labors of Dr. and Mrs. Hill, — American missionaries, whose essential services, rendered in the very formation of modern Greek society, will be beneficially felt as long as the nation shall endure.

"In Dr. and Mrs. Hill, the Episcopal Board have two able and devoted persons, competent and eager to carry their principles into execution. They went to Greece before the war was over. After a time, they sailed to the Peiræus, and landing there, the only means of reaching the ruined city, five miles off, was a little Attic donkey, on which Mrs. Hill rode, while her husband walked by her side. Not a house was standing in the famous city of Athens. The frequent bombardments and sieges through which it had passed, had reduced it to a pile of rubbish. These devoted missionaries, as soon as they had provided a temporary shelter, collected the tattered and starving children who were crouching amidst the desolation, and proceeded to carry out their instructions by establishing a school before a school-house was built. This was more than thirty years ago. The school has grown with the growth of the city; and those who now attend it — to the number of five or six hundred — are, in many cases, the children or grandchildren of the earliest pupils. The children are taught gratuitously the elements of a good common education, — reading, writing, arithmetic, — together with household arts, — such as sewing, knitting, making up garments, and the like. English and American

ideas of personal neatness and order form the basis of the training for domestic life. Any one who has visited the East, will readily understand that the inculcation of these ideas is an important matter, inasmuch as they are not universally accepted even among the richer classes, who sometimes tolerate in their houses the presence of certain animated specimens of natural history, more interesting in their zoölogical relations than in their social qualities. Mrs. Hill was one of the first — perhaps the very first — to prove that the attendance of these lively but unwelcome inmates was not, as has been supposed, a necessity of the climate, and that their room was in all respects much better than their company; — a public service deserving to be rewarded by a statue of gold.

"In this school for the gratuitous instruction of the poorer classes in Athens, Dr. and Mrs. Hill, aided by an estimable lady who has been associated with them for many years, have established a boarding-school for the higher education of young women. In this school are received the daughters of many of the best families, not only among the Greeks of the Hellenic Kingdom, but among the Greek population of European and Asiatic Turkey. It would be difficult to find a more interesting assemblage of young persons, anywhere in the world. They have all the vivacity which marks their race, with a docility of temper which makes the task of teaching them a perpetual delight. The best masters, in the different branches of an elegant and accomplished education, are employed, while their domestic, moral, and religious training is carefully attended to by Dr. and Mrs. Hill, and their excellent associate. They are taught the ancient classics of their country, several modern languages, among them the English, which they learn to read, write, and speak perfectly, and the more practical branches. The good influence exercised by this training upon the characters of these young women, at the most impressible age, can hardly be exaggerated. The blessings of this truly Christian education go with them to their distant homes, and add to the happiness of domestic life, to the uttermost limits of the Hellenic people.

"These excellent missionaries enjoy the confidence of all classes in the community, — of the Greek Church, the Catholic Church, and the Protestant Churches. This is the natural result of the able instructions of which I have spoken, and of the wisdom, patience, and discretion with which they have been carried out. Dr. Hill has never concealed his opinions, nor made unworthy concessions. He preaches twice every Sunday, and administers the sacraments of his church, in the little Episcopal chapel, appropriately bearing the name of St. Paul, his hearers being English, American, and Greek, — any who desire to attend. He has long been the chaplain to the British Embassy, having received the appointment from the British Government as a tribute to his character and services, in the time of the late Lord Lyons, — the excellent father of the present distinguished minister at Washington, — and still continuing to hold it under the liberal and accomplished Sir Thomas Wyse, a Catholic gentleman, and one of Dr. Hill's warmest friends.

"For more than a generation, the influence of these eminent missionaries has been extending itself throughout the Levant. It has been their high privilege to render great service in reconstructing the edifice of civilization

in an illustrious but long suffering country. They have been the favored agents in repaying, to some extent, the debt the whole world owes to the ancestors of the existing Hellenic race. To only a few among the greatest benefactors of mankind, has such an opportunity been afforded; still fewer have had the wisdom given them from on high to turn such an opportunity to account. They started right, and they have made no mistake; — and now, as the evening of life begins to descend upon them, they are surrounded by the blessed results of their long labors. I am not much disposed to envy others; but I confess I do envy them the happiness they must feel in the consciousness not only of duty faithfully performed, but of great ends successfully achieved. They shall find their exceeding great reward, when the Master, whom they have obeyed, shall receive them with the welcoming words, 'Well done, good and faithful servants.'" — pp. 37 – 40.

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18. — *Suffolk Surnames.* By N. I. Bowditch. Third Edition. London: Trübner & Co. Boston: Ticknor and Fields. 1861. 8vo. pp. 757.

This edition is seven times the size of the first, and about twice that of the second. We duly noticed the second, and described the genesis, progress, and scope of the work. When that appeared, Mr. Bowditch was in the prime of his strength; the preparation of this has beguiled the weary hours of premature infirmity and decline. The additions to the former issue are not mere names, but with them very many of those traits of wit and humor which can give zest to the driest theme. We might not have recurred to this work now, had its author remained with us; but we cannot lose the opportunity of adding ours to the universal tribute of regret and honor. A clear and keen mind, generous culture, scholarly tastes, genial manners, integrity for which the universe had no sufficient bribe, generosity which neither forgot the near in behalf of the remote, nor yet, while it began at home, ever rested there, the virtues which most honor and the graces which most adorn humanity, make us thankful that he has lived, and thankful for the many in whose gratitude he will still live.

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19. — *New England Congregationalism in its Origin and Purity: illustrated by the Foundation and Early Records of the First Church in Salem, and various Discussions pertaining to the Subject.* By Daniel Appleton White. Salem. 1861. 8vo. pp. 319.

The separate contents of this volume are of a merely local interest; but its purpose and conclusions appertain to the meaning, theory, and

history of Congregationalism. The First Church in Salem, constituted A. D. 1629, was the first church *formed* in New England. The earliest record of that church has not been preserved. There exists, however, a book, in which the original entries commence in 1660, and are preceded by transcripts from a former book. Among these transcripts is what purports to be the original covenant of the church, which is silent with regard to disputable dogmas, refers only incidentally to the fundamental articles of religious faith, and is entirely filled with the details of domestic, social, ecclesiastical, and religious duty. This same covenant is quoted in full by Mather in his Magnalia, as the original covenant. He, indeed, in speaking of the mode of admission to the church, says: "Some were admitted by expressing their consent unto their *confession* and covenant"; but there is no vestige extant of a confession distinct from the covenant, and hendiadys is by no means an unusual figure with the Mathers, both father and son. Moreover, Mather evidently had before his eye, when he wrote, Morton's Memorial (1669), in which the formation of the church in Salem is narrated, the phrase "confession of faith and covenant" occurring several times in the narrative. The question at issue is, whether there was not in addition to the "covenant," which is extant, a "confession of faith," which is irrecoverably lost. The affirmative has been on several occasions maintained very strenuously, and by inferential reasoning of no little force; the negative has had in three several discussions Judge White's able advocacy. We regard the preponderance of argument as manifestly and strongly on his side, and we believe that almost all that can be ascertained with regard to the early church-covenants of New England tends to the conclusion that dogmatic creeds or "confessions of faith" had no place in the primitive church-order of New England. But both parties to the Salem controversy have been intentionally discussing behind this an ulterior question, namely, whether the founders of our New England churches were indifferent to dogmatic variance, and looked only for the evidences of a Christian character as prerequisite to church-membership. Here we cannot agree with Judge White. We suppose that dogmatic subtilties were left out of the church-covenants, because it was not considered even possible that dissenters from the general belief should seek admission to the church. Fences are not a primitive institution, and would not exist were there no errant cattle. Exclusive creeds could hardly have been agreed upon till there were persons to be excluded. This very Salem covenant was renewed in 1660, with the addition of a paragraph, the pith of which is contained in these words: "Therefore we doe Covennant by the help of Jesus Christ to take heed and beware of the leaven of the doctrine of the

Quakers." Had there been Quakers, or anti-Calvinists of any description, endeavoring to plant heresies among the good people of Salem in 1629, the church covenant would have included, no doubt, a sufficiently stringent creed.

But while we are not inclined to magnify the importance of this controversy, we cannot but admire the Christian candor, calmness, and courtesy with which it is conducted on Judge White's part. The finished volume was brought to him on his death-bed, and there certainly could not have been a word in it which, in his closing hours, he could wish unwritten. We are glad to have this parting and valued memorial of one whose scholarly gifts and endowments, civic services, social graces, and saintly virtues gave him a large place and insure for him a blessed memory in the heart of our whole community.

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20. — *Memoir of Nathaniel Emmons; with Sketches of his Friends and Pupils.* By EDWARDS A. PARK. Boston: Congregational Board of Education. 1861. 8vo. pp. 468.

WE doubt whether in the theology of New England any other man has been so influential as Dr. Emmons. Never has there lived a man who was more completely the master, or more abjectly the slave, of logic than he. It would be as easy to find an ill-made joint in a Vulcan-wrought suit of armor, as a loose link in his reasoning. But where there was no flaw in his argument, the intrinsic improbability of a conclusion, or its inconsistency even with fundamental beliefs, made no impression whatever upon his mind. A *reductio ad absurdum* would have been wholly void with him; for he never started from premises that he doubted, and he knew himself incapable of false deductions from his premises. His error no doubt consisted in his regarding the truths of theology and the facts of religion as all measurable by logical standards, whereas many of them, "passing all understanding," are beheld by direct intuition, or received by a simple act of faith. We are not going to criticise Dr. Emmons's doctrinal system; for such criticism would be out of place here; but in all his statements of doctrine, where we agree with him as well as where we differ from him, we notice a certain anthropomorphism, as if he were incapable of imagining a Supreme Being or a moral universe greater than he could define and comprehend.

But while he undoubtedly developed the logical faculty to such an inordinate degree as to derange somewhat the proportions of his intellectual nature, he was a truly great man in mind, life, and character,— one of the giants whose race we fear has become extinct. His indus-

try was incredible, — such profound study on the driest themes, mixed with still more elaborate thinking; such multitudes of sermons and essays carefully prepared for the press; and such a thorough filling of his soul with themes on which his hastiest writing or unwritten speech seemed overflowingly rich! His power over the minds of others has had few parallels in his profession. Hardly leaving his old study-chair in the obscure village where he spent nearly seventy years of his life, he moved pulses of thought and sentiment beyond the Alleghanies and beyond the ocean. Nearly one hundred divines had been his pupils, not nominally, but really, deriving from him ways of thinking and reasoning which they else would never have formed, and from distant parishes and far-off missionary fields looking and listening with undiminished reverence to the sage of Franklin. Nor is his private and domestic life less attractive. Precise, quaint, and whimsical, he appears always kind, generous, and genial; beautiful in the simple amenities and charities of a Christian household, blending equal tenderness and firmness under the early sorrows that made his home desolate, and majestic beyond description as he meets the frequent visitations of the death-angel to his family in his own old age and infirmity. A life of ninety-six years, a pastorate of sixty-eight, left him in the front rank of the living for a whole generation, and gave him almost the experience of a posthumous fame. His character was too massive, his intellectual and spiritual life too great and manifold, the ramifications of his influence too various and labyrinthal, while his external history was too brief and uneventful, to permit a Memoir of him to be written in the usual way. Professor Park has brought together, in a well-arranged series of chapters, a great mass of materials, which might serve for a history of Congregationalism. In much of the work he was the mere compiler of these materials; in the portion written by his own hand, we never miss his accustomed grace, point, and power.

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21. — *Annals of the American Pulpit; or, Commemorative Notices of distinguished American Clergymen of various Denominations, from the early Settlement of the Country to the Close of the Year Eighteen Hundred and Fifty-Five. With Historical Introductions.* By William B. Sprague, D. D. Volume VII. *Methodist.* 8vo. pp. 848.

We have the promise of a review of this volume for our next number from a contributor who cannot fail to do it justice. Meanwhile we would say that Dr. Sprague's work even grows in interest with its progress. Each volume mines an entirely new vein, opens the view

of an entirely new class of characters, and brings us into conversance with a new order of biographical talent. This is the very time for the preparation of the volume now before us. The Methodists have been of late sedulously building the sepulchres of their early prophets. Their clerical biography has been enriched by the lives of many of those rude and zealous pioneers, who incurred dangers by flood and field, and "perils among false brethren," with a resolution which no earthly power could daunt, and with a devotion which seemed to revive the martyr-age of primitive Christianity. Meanwhile, in later years the Methodist Church has assumed the patronage of learning, endowed educational institutions of a high order, and called into its service no mean array of men who in cultivation and in all the graces of pulpit oratory have stood abreast of the first preachers in our older denominations. Sketches of both classes are to be found in this volume, in due and well-adjusted proportion; so that we pass from the wild adventure and romance of border life into the society of refined and scholarly divines. In the former portion we find much that is grotesque, much that appeals to our most tender sympathies, much that elicits our profoundest reverence; while in the latter we witness as entire a consecration of the best gifts to the holiest uses as has been seen since the days of the Apostles. In the whole we trace Dr. Sprague's kind and catholic spirit, exquisite skill and taste, and hardly equalled industry.

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22. — *A Memoir of Daniel Safford.* By his Wife. Boston: American Tract Society. 1861. 12mo. pp. 384.

This is a very remarkable life. Daniel Safford was born in Hamilton, Massachusetts, in 1792, and died in Boston in 1856. He had a scanty district-school education, was apprenticed to his brother, a blacksmith in Salem, and at an early age established himself in that trade in Boston. He gradually became a prosperous man, resolved to cease adding to his property when it had reached forty-five thousand dollars, and during the last thirty years of his life gave for charitable uses more than seventy thousand dollars, — the benefactions of some single years amounting to between four and five thousand. But his was a character to be measured by no pecuniary estimate. In his boyhood he became an earnest and devoted Christian, and one who felt the solemn weight of his Master's parting charge to his disciples. His religion was a working force, making his domestic and social life pure, upright, and beautiful, training his intellect and judgment for posts of weighty trust and offices of momentous counsel, energizing him for active and self-

denying charity, lifting him, with all the modesty of a lowly spirit, into the position of a high-priest among his brethren, by a holier unction than could flow from human lips or drop from human fingers, making him honored and beloved as few men in a generation are, and rendering him the centre and source of genial influences that extended to the high places of education, the lowest depths of want and depravity, the remotest missionary stations in heathendom. His house was not only the abode of warm-hearted hospitality, but the established home of missionaries, self-consecrated men and philanthropic women, the asylum for forsaken widowhood and orphanhood, whether of high or low degree on the conventional scale, the sanctuary for prayer and conference on the great Christian enterprises of the day. How his time and means sufficed for so large an amount of activity and charity none knows but the Lord who strengthened and blessed him. The facts are patent, and are given in detail, with name, date, and circumstance; else they would almost exceed belief. No one who desires to do good, no one who would become conversant with illustrious examples of Christian excellence, should fail to read this Memoir, or can read it without being stirred to warmer vows and more strenuous efforts for his own growth in the spiritual life, and for the service of his generation and race.

23.—*Christ in the Will, the Heart, and the Life. Discourses.* By A. B. Muzzey. Boston: Walker, Wise, & Co. 1861. 16mo. pp. 371.

This is one of a kind of volumes of which we cannot have too many. It consists of thirty-two parish sermons, on the simplest and most essential themes of Christian belief and duty, bound together by no other thread of unity than the uniform purpose of the true minister, not to display himself, but to preach the Gospel, and to preach that not speculatively or abstractly, but in its close application to the infirmities, needs, trials, and griefs of his hearers. Mr. Muzzey's style is not ambitious or highly rhetorical, but perspicuous, pure, and grave. His illustrations are drawn, not from remote topics, but from the inherent contents of his subject and the condition of those whom he addresses. His subjects cover a wide range, yet are, with hardly an exception, within the compass appropriately termed evangelical. The Discourses are Scriptural, not by over-affluent quotation, but by their reliance on the authority of revelation, and by their constant recognition of its supremacy in all matters of faith and duty.

24. — *Miscellaneous Sermons, Essays, and Addresses.* By the Rev. Cortlandt Van Rensselaer, D. D., Late Corresponding Secretary of the Presbyterian Board of Education. Edited by his Son, C. Van Rensselaer. Philadelphia: J. B. Lippincott & Co. 1861. 8vo. pp. 569.

Dr. Van Rensselaer was the son of Hon. Stephen Van Rensselaer, still fondly remembered under the title of the "Good Patroon." He studied law; but subsequently, under a profound sense of duty, prepared himself for the Christian ministry. After a short pastorate in Burlington, New Jersey, and a brief employment in other spheres of labor, he was elected to the Secretaryship of the Presbyterian Board of Education, in which office he labored with self-forgetting assiduity, till the rapid inroads of pulmonary disease compelled him to resign it two months before his death. He died in July, 1860. His personal character was one of great excellence and loveliness, with the amenities of the finished gentleman refined and exalted by the graces of the fervent and devoted Christian. The Miscellanies contained in this volume comprise controversial pamphlets, historical discourses, and occasional sermons. They display little imaginative wealth or rhetorical skill; but are noticeable chiefly for their directness, simplicity, and frankness, for the strenuous purpose in which they were conceived, and for the catholic, generous, courteous, and kindly spirit which they manifest toward those who differed from the author in belief, policy, or practice. The most remarkable paper in the volume is a Sermon on the Death of Bishop Doane, in which the author enters without ceremony into the charges made against the Bishop in his lifetime, speaks in plain terms of his faults, sets off against them his excellences, merits, and services, and pleads with his hearers for their kind judgment and honorable remembrance of one who, not without human frailties, possessed indefeasible claims on the grateful regard of the community in whose bosom he had lived and died.

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25. — *Select Sermons of the* Rev. Worthington Smith, D. D., *late President of the University of Vermont. With a Memoir of his Life, by* Joseph Torrey, D. D., Professor of Intellectual and Moral Philosophy. Andover: Warren F. Draper. 1861. 12mo. pp. 368.

President Smith was one of those men more frequently found, we believe, among the children of our New England yeomanry than anywhere else, in whom one hardly perceives the absence of genius, in the massiveness of substantial ability and working power. We can trace

in his life and writings few vestiges of creative talent, vivid fancy, or self-forgetting enthusiasm; but we find what is far better, sound practical wisdom, intense industry, unswerving loyalty to his God, his faith, and his calling, and the capacity of swaying and moulding the wills and the activities of those under his charge, tuition, or influence. As a pastor, he raised a feeble and lukewarm congregation to outward prosperity and spiritual strength, refusing advantageous situations elsewhere because his people still needed him, enduring straitnesses and privations rather than leave his flock to be scattered, all the while retaining his scholarly tastes and habits, and drawing his congregation up to himself, instead of sinking to the lower plane on which they would have been content to remain with him. As the presiding officer of the University, he placed the institution on a firmer financial basis, conciliated to it the impaired confidence of the community, and in various ways contributed largely to its honor and usefulness; while his formal instructions and his private counsels were treasured as golden words, and are still remembered with tender and reverent gratitude. His sermons are earnest, weighty, strongly guarded, ably reasoned expositions of the doctrines of the Gospel, with profoundly solemn appeals to the consciences of his hearers. Professor Torrey's Memoir is a beautiful and worthy tribute to a rich character and a noble life.

26.— *The Ordeal of Free Labor in the British West Indies.* By Wm. G. Sewell. New York: Harper and Brothers. 1861. 12mo. pp. 325.

This is, as it seems to us, a work of very great value. It gives the result of personal examination, and puts on record specific facts and statistical details. The author is trammelled in his observations neither by preconceived theories nor by the desire of generalizing his results. He, in fact, declines presenting general conclusions, on the ground that each island had its own history, its peculiarities of position, soil, and adaptation, its commercial facilities or hinderances, its numerical proportions and social relations between the dominant and the enslaved races, and that there is not one of the particulars comprehended under these heads that has not modified the effects of emancipation. He accordingly makes his statement of the condition of things in each island separately. It is very certain that in all the islands the ruin of large sugar-plantations has followed close upon the enfranchisement of their cultivators. And this ought to have been the case; for the owners of those estates were generally absentees, who expected to meet from the proceeds of

the sugar-crops the expense of oversight, the dilapidation from the absence of the owner's care, and the cost of a luxurious mode of life for themselves and their families. But this could be effected only by the over-working and under-feeding of their operatives to the last degree. Moreover, almost all these large estates were mortgaged, and were under constantly increasing embarrassments, so that their ruin, or that of their owners, was not caused, but only hastened, by emancipation. On the other hand, it is certain that the freed men of these islands have in great numbers become proprietors and cultivators on their own account, that a larger variety of agricultural products is raised than formerly, that there is an enhanced standard of comfort, intelligence, and morality, and that resident and provident white proprietors are able to derive as large a proportional revenue from their estates as accrues in any part of the world from agriculture under free labor. Still further, as regards the great staple, there has been an increased production on all the larger islands, Jamaica alone excepted. The average annual quantity of sugar exported from Trinidad, Barbados, and Antigua, for the four years preceding emancipation, was 89,300,000 pounds; the average from 1856 to 1860 was 154,400,000. Before emancipation the annual imports of these three islands — which with no great change of population may be assumed as a fair index of expenditure for comfort and luxury — averaged $5,140,000; while their imports in 1859 amounted to $8,940,000. The causes of stagnation and decline in Jamaica are such as would have developed themselves had slavery continued.

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27. — *Trumps. A Novel.* By Geo. Wm. Curtis, Author of "Nile Notes of a Howadji," "The Howadji in Syria," "The Potiphar Papers," "Prue and I," etc. Splendidly illustrated by Augustus Hoppin. New York: Harper and Brothers. 1861. 12mo. pp. 502.

We have been told that some of the characters in this novel represent, and to a certain degree caricature persons, living or dead, to whom or to whose memory the author owed respectful silence at least, if not profound reverence. So far as this is true, we have not a word of apology for the book. But, aside from this objection, it seems to us the best of Mr. Curtis's works, and among the very best of American novels. The good characters are eminently lifelike, and are sketched with a hand of equal delicacy and power. The weak, vain, and wicked personages are made much more grotesque than in actual life, and yet not so grotesque as we have been accustomed to see similar personages in Dickens's novels. The plot is ingenious, the *dénouement* is well managed, and the conclusion fully satisfies the sympathies and wishes of the reader.

28. — *After Icebergs with a Painter: a Summer Voyage to Labrador and around Newfoundland.* By Rev. Louis L. Noble, Author of the "Life of Cole," "Poems," etc. New York: Appleton & Co. 1861. 12mo. pp. 336.

Mr. Noble has a painter's eye and a poet's soul. His voyage carried him among the grandest coast and water scenery of our Western world, and his descriptions reproduce what he saw with singular vividness. The volume is made still more attractive by engravings of a high order of excellence. No lover of the picturesque can afford the absence of this book from his table.

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29. — *Pampinea and other Poems.* By Thomas Bailey Aldrich. New York: Rudd and Carleton. 1861. 16mo. pp. 72.

When Mr. Aldrich's first volume of poems appeared, we predicted for him a high and lasting reputation, if he would only give time enough to self-culture, and to the elaboration both of poetical thought and of rhythmical expression. We still say the same, and he is not too old to profit by our advice. We see in this volume precisely what we saw in the first, and no more, — the same traits of rare and beautiful promise, the same faults and defects. If he sends a poem to the press every week or two, he will always fill very acceptably a column in a magazine or a corner of a newspaper; if he will dam up his Helicon till it gathers speed and power, its richer, fuller flow will give him the fame which his ephemeral productions will only almost earn for him.

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30. — *A History of Georgia, from its first Discovery by Europeans to the Adoption of the present Constitution in MDCCXCVIII.* By Rev. William Bacon Stevens, M. D., Professor of Belles Lettres, History, etc., in the University of Georgia, Athens. In Two Volumes. Vol. I. New York: D. Appleton & Co. 1847. Vol. II. Philadelphia: E. H. Butler & Co. 1859. 8vo. pp. 503, 524.

These volumes have come into our hands only since our last issue. We have no time to speak of them now as they deserve; and, were it otherwise, we should prefer waiting for our special notice of the history of Georgia till she has wheeled back into the line of loyal States. Trusting that this condition will not long be wanting, we beg leave to say now, that for thoroughness of research, aptness of method, and adequacy of style, this work cannot but take rank by the side of our best

State histories, while many of its materials, especially those of the first volume, are of the highest interest to every American, and are easily accessible in no other form.

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31. — *Lippincott's Pronouncing Gazetteer. A Complete Pronouncing Gazetteer, or Geographical Dictionary, of the World. Containing a Notice and the Pronunciation of the Names of nearly One Hundred Thousand Places. With the most recent and authentic Information respecting the Countries, Islands, Rivers, Mountains, Cities, Towns, &c. in every Portion of the Globe. Including the latest and most reliable Statistics of Population, Commerce, etc. Also, a Complete Etymological Vocabulary of Geographical Names, and many other valuable Features, to be found in no other Gazetteer in the English Language.* Edited by J. THOMAS, M. D., and T. BALDWIN, assisted by several other Gentlemen. Philadelphia: J. B. Lippincott & Co. 1861. 8vo. pp. 2182.

WHEN this Gazetteer first appeared, we spoke of it in terms of high commendation. It is not yet superseded, nor is it in danger of losing its foremost place, if it is kept even with the changing and expanding geography of the times. The publication of the census of 1860 will furnish a suitable occasion for a thorough revision of the work, and we doubt not that the publishers and editors will avail themselves of it.

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32. — 1. *A Description of Ancient and Modern Coins, in the Cabinet Collection at the Mint of the United States.* Prepared and arranged under the Direction of JAMES ROSS SNOWDEN, Director of the Mint. Philadelphia: J. B. Lippincott & Co. 1860. 8vo. pp. 412. Plates 26.

2. *A Description of the Medals of Washington; of National and Miscellaneous Medals; and of other Objects of Interest in the Museum of the Mint. Illustrated by seventy-nine Fac-simile Engravings. To which are added Biographical Notices of the Directors of the Mint from* 1792 *to the Year* 1851. By JAMES ROSS SNOWDEN, the Director of the Mint. Philadelphia: J. B. Lippincott & Co. 4to. pp. 203.

TO those who have visited the Mint at Philadelphia it is needless for us to speak of its collections. To others, we may say that they comprise several hundreds of ancient and mediæval coins; specimens of the coinage of the United States, both before and since they assumed

that appellation; coins of all the nations with which we have any commercial intercourse; the Washington and national medals; a great number and variety of medals from other countries; four cabinets of minerals, one simply mineralogical, another arranged in the supposed order of geological formation, a third consisting of metallic ores and the products of their metallurgical treatment, a fourth containing rare and curious specimens; more than a hundred articles of ancient pottery; and various other objects of interest. In the volumes before us these collections are minutely and literally described, with perfect fac-simile impressions of a large number of coins and medals. The mechanical execution is such as to make them highly ornamental books, as well as valuable works for reference and consultation. Even the biographical appendix is not without strong claims on our interest, when we remember that David Rittenhouse and Elias Boudinot were Directors of the Mint.

33.—1. *The First Book of the Constitution: a Familiar Exposition of the Constitution of the United States. Designed for the Use of Schools.* By FURMAN SHEPPARD. Philadelphia: J. B. Lippincott & Co. 1861. 12mo. pp. 202.

2. *The Political Manual: being a Complete View of the Theory and Practice of the General and State Governments of the United States Adapted to the Use of Colleges, Academies, and Schools.* By EDWARD D. MANSFIELD, Professor of Constitutional Law. New York: A. S. Barnes and Burr. 1861. 12mo. pp. 347.

SEVERAL years ago we noticed with high praise Mr. Sheppard's "Constitutional Text-Book." The book now before us is the former work abridged and simplified to meet the demands of less advanced classes of pupils. It is admirably adapted for its design, and, we trust, will render essential aid in introducing the study of the Constitution under which we live into our grammar and high schools. It is characterized by comprehensiveness, conciseness, and precision. It embraces not only the provisions of the Constitution, but the *modus operandi* of the government as at present established, the duties of its principal functionaries, and the regular course of public affairs.

Mr. Mansfield's book is designed for a higher grade of pupils, and makes frequent references to cases involving constitutional law that have been decided in the courts. It is peculiarly explicit and full as to the mutual relations of the State governments and the general government. It bears throughout the marks of an author who has his subject wholly within his grasp. For those to whose use it is adapted, we give it our unqualified recommendation.

34. — *An Elementary Treatise on Plane and Spherical Trigonometry, with their Applications to Navigation, Surveying, Heights and Distances, and Spherical Astronomy, and particularly adapted to explaining the Construction of Bowditch's Navigator and the Nautical Almanac.* By BENJAMIN PEIRCE, LL. D., Perkins Professor of Astronomy and Mathematics in Harvard University, and Consulting Astronomer to the American Ephemeris and Nautical Almanac. Revised Edition. Boston and Cambridge: James Munroe & Co. 1861. 12mo. pp. 359. Plates 6.

THIS volume possesses a rare beauty in its completeness and compactness. The student is not suffered to dally along through the extra-mathematical details, which are often connected with applied trigonometry, and which draw off the thought from the fundamental formulas of the science. The whole of such material contained in this volume can hardly exceed a couple of pages. The learner is carried rapidly on from the primal formulas of trigonometry to their various uses, and is never permitted to lose sight of them. The problems which he is required to solve are so shaped and arranged as to furnish the surest test of his attainments. In the treatise there is no repetition of ground once passed over; but the student must go back for himself to what has grown dim in his recollection. We hardly know how to express in sufficiently few words the difference in which, as we think, lies the superiority of this over other treatises that cover the same ground; but we will make the attempt. In most other treatises that we have seen, surveying, navigation, and the measurement of heights and distances, are treated as separate arts, rather than as applications of one and the same science, and the learner is occupied to such a degree with non-scientific details and mere arbitrary processes, as to lose the freshness and clearness of his scientific knowledge while he is carrying it into practice. In Professor Peirce's treatise, he is conscious of studying trigonometry on every page, and is deepening and vivifying his knowledge of first principles from the beginning to the end of the book.

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35. — *A Manual of English Pronunciation and Spelling: containing a full Alphabetical Vocabulary of the Language, with a Preliminary Exposition of English Orthoëpy and Orthography; and designed as a Work of Reference for general Use, and as a Text-Book in Schools.* By RICHARD SOULE, JR., A. M., and WILLIAM A. WHEELER, A. M. Boston: Soule and Williams. 1861. 12mo. pp. 467.

THIS work has been prepared with exquisite skill and care. The

Preliminary Exposition, filling eighty-one closely printed pages, comprises a physiological description of the vocal organs, and a minute analysis of the elementary sounds of the English language. The heads of remark in this treatise are numbered, and are constantly referred to in the Vocabulary. The notation in the Vocabulary is simple; instructive commentary is freely interspersed, authorities are cited, and differences of usage marked with their respective reasons and authorities. The orthography and pronunciation are conformed, not to arbitrary standards, but to the best current usage. The work deserves a favored place as a manual for schools, and as a table-book for all who would speak and write correctly.

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36. — *A Compendium of Classical Literature; comprising choice Extracts, translated, from the best Greek and Roman Writers, with Biographical Sketches, Accounts of their Works, and Notes directing to the best Editions and Translations.* Part I. — *From Homer to Longinus.* Part II. — *From Plautus to Boëthius.* By CHARLES DEXTER CLEVELAND, formerly Professor of the Latin and Greek Languages in Dickinson College, Carlisle, Penn., and of the Latin Language and Literature in the New York University. Philadelphia: E. C. and J. Biddle & Co. 1861. 12mo. pp. 622.

IT is enough to say of this work that the promise of its title is as fully realized as it could be in a volume of moderate dimensions. The biographical and bibliographical sketches are succinct, carefully written, and wonderfully comprehensive in detail. The references to editions and translations indicate the author's full conversance with the field which they cover. The selection both of the original passages and of the versions through which they are given to the reader is made with faultless taste. We sometimes miss a gem which we would gladly see transferred to these pages; but there is nothing here that we would willingly omit, and there are few additions for which we would strenuously plead.

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37. — *Chambers's Encyclopædia. A Dictionary of Universal Knowledge for the People.* Illustrated. Vols. I., II., Parts 27 – 31. Philadelphia: J. B. Lippincott & Co. 1861. 8vo. pp. 824, 828, 1 – 288.

WE have more than once borne our testimony to the value of this work. It is emphatically a work for the people, containing not only the kind and degree of information which every intelligent man wants

to have on subjects that lie beyond his own immediate sphere, but also articles on numerous subjects connected with daily life, on which even a scholar would hardly know where else to resort for instruction. For instance, in Part 27, we find the following titles, for which we think we should look in vain in almost any other encyclopædia: Chocks, Chokecherry, Choking, Chopine, Chrisome, Christmas-box, Christmas carols, Circular notes, Circulating library, Civil death, Civil service, Clandestine marriage, and Claque. To be sure, we should hardly miss these and similar titles; but there is not one of them on which we have not some one or more items of that kind of information which is all the more valuable because it is aside from the track of one's ordinary reading and study.

Messrs. Lippincott & Co. are now the sole American publishers of this work.

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38. — *French in One Volume. The Complete French Class-Book, embracing Grammar, Conversation, Literature, with Commercial Correspondence and an adequate Dictionary.* By Louis Pujol, A. M., of the University of France, Fellow of the Educational Institute of Scotland, etc., and Rev. D. C. Van Norman, LL. D., Principal of Van Norman Institute for Young Ladies, New York. New York: A. S. Barnes and Burr. 1860. 8vo. pp. 540.

This book is a signal instance of compression without blameworthy omission. The skill employed in its structure is in part mechanical. The margin is too narrow to look well; and the type, varying with the material, is fine, finer, and finest, yet it is new, unbroken type, on good paper, and by daylight might be studied with entire ease and safety. The literary labor of condensation is admirably performed. The grammar seems to us unusually full and definite, with an adequate number and variety of exercises for practice. The conversational portion includes not only common topics, such as nearly a page "on the weather," but sections on a large range of subjects that might be termed semi-technical, as "on harness," "on the parts of a ship," "on the army," "on salts and minerals," "on philosophies." The extracts from literature — necessarily brief — are from a considerable number of the best authors. The Dictionary is "adequate," not for general use, but for the study of the volume to which it is annexed.

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Earthquakes; Instrumentalities in the Divine Government. A Sermon preached in the Reformed Dutch Church, Easton, Penn., by the Pastor, Rev. C. H. Edgar, on the Day of Thanksgiving, November 29, 1860. Easton. 1860.

A Historic Sketch of the Bulfinch-Street Society. A Discourse delivered by its Minister, William R. Alger, April 21, 1861. Boston. 1861.

The National Preacher. Sermon 10. The Loneliness of Guilt. By Rev. Henry M. Field, New York. New York. April, 1861.

The State and the Nation — Sacred to Christian Citizens. A Sermon preached in All Souls' Church, New York, April 21, 1861. By Henry W. Bellows. New York: James Miller. 1861.

The Duty of the Time. A Discourse preached in the West Church, Sunday Morning, April 28, 1861. By C. A. Bartol. Boston: Walker, Wise, & Co. 1861.

Our Civil War, as seen from the Pulpit. A Sermon preached in the Bulfinch-Street Church, April 28, 1861. By William R. Alger. Boston: Walker, Wise, & Co. 1861.

War: its Necessity, and its Relation to Christian Duty. A Discourse delivered before the N. H. Volunteers, at the Temple, Portsmouth, Sunday Afternoon, May 5, 1861, by Rev. William L. Gage, Pastor of the North Church. Portsmouth. 1861.

A Key to the Disunion Conspiracy. The Partisan Leader. By Beverly Tucker, of Virginia. Secretly Printed in Washington (in the year 1836) by Duff Green, for Circulation in the Southern States, but afterwards suppressed. New York: Rudd and Carleton. 1861. pp. 392.

The National Controversy; or, The Voice of the Fathers upon the State of the Country. By Joseph C. Stiles. New York: Rudd and Carleton. 1861. pp. 108.

Anti-Slavery Tracts. No. 15. New Series. The Fugitive Slave Law and its Victims. Revised and enlarged Edition. New York. 1861. pp. 168.

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tures on the Constitution of the United States, concluding a Course on the Modern State, delivered in the Law School of Columbia College, during the Winter of 1860 and 1861, to which is appended an Address on Secession, written in the year 1851. By Francis Lieber, LL. D., Corresponding Member of the Institute of France, Author of "Civil Liberty and Self-Government," &c., &c. New York. 1861.

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The Necessities and Wisdom of 1861. A Supplement to the Sixth Edition of Slavery and the Remedy. By Samuel Nott. Boston: Crocker and Brewster. 1861.

The Existing Revolution; its Causes and Results. By Charles Edward Pickett. Sacramento. 1861.

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Union. — Slavery. — Secession. Letter from Governor R. K. Call, of Florida, to John S. Littell, of Germantown, Pennsylvania. Philadelphia. 1861.

Political Education. An Address, delivered before the Social Union of Amherst College at the Annual Commencement, Wednesday, August 8, 1860. By Horace Maynard. Boston. 1861.

An Address delivered at the Annual Commencement of the Medical School of Harvard University, Wednesday, March 6, 1861. By George C. Shattuck, M. D., Hersey Professor of the Theory and Practice of Physic. Boston. 1861.

The Spirit proper to the Times. A Sermon preached in King's Chapel, Boston, Sunday, May 12, 1861. By James Walker, D. D. Boston. 1861.

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Twenty-Third Annual Report of the School Committee in the Town of Brighton, for 1860 – 61. Cambridge. 1861.

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Testimonials in favor of E. R. Humphreys, M. A., LL. D., Fellow of the College of Preceptors of England, and of the Educational Institute of Scotland. Formerly, for seven years, Head-Master of the Cheltenham Endowed Grammar School, and for three years President of the College of Preceptors of England. Boston. 1860.

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Memoir. By Rev. T. N. Haskell. — Sketch of the Life of Sir Henry Havelock, Major-General of the Indian Army of Great Britain. Abridged from the Memoir; by Rev. T. N. Haskell. — The Sailor's Text-Book. By J. R. MacDuff, D. D., Author of "The Soldier's Text-Book," "Morning and Night Watches," "Words of Jesus," etc. Boston: American Tract Society. 1861.

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Analytic Elocution: an Analysis of the Powers of the Voice, for the Purpose of Expression in Speaking. Illustrated by Copious Examples, and marked by a System of Notation. Designed for the Use of Schools, Colleges, and Private Students. By J. C. Zachos, A. M., Author of "The New American Speaker," "High School Speaker," "Analytic Word-Book," etc. New York: A. S. Barnes and Burr. 1861. 16mo. pp. 320.

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The Sanctuary of God, consulted in the Present Crisis. A Sermon preached in the First Reformed Dutch Church, New Brunswick, N. J., on Sunday Morning, April 21st, 1861. By John Proudfit, D. D. Second Edition. New Brunswick. 1861.

A Sketch of the History and the Present Organization of Brown University. Published by the Executive Board. Providence. 1861.

The Soldier's Mission in the Crisis of 1861. By Rev. T. N. Haskell. Boston: American Tract Society. 1861.

The Sunday Alphabet of Animals. By Aunt Katie. Boston: American Tract Society. 1861. pp. 175.

Songs for My Children. With Numerous Illustrations. Boston: American Tract Society. 1861. pp. 192.

NORTH AMERICAN REVIEW.

No. CXCIII.

OCTOBER, 1861.

ART. I. — 1. *Ricordi d' una Missione in Portogallo al Re Carlo Alberto.* Par LUIGI CIBRARIO. Torino. 1850.
2. *Victor Emmanuel II. et le Piémont en* 1858. Par M. CHARLES DE LA VARENNE. Paris. 1859.
3. *Histoire des Etats Italiens depuis le Congrès de Vienne.* Par M. DE BEAUMONT-VASSY.

To the lovers of Art, and to those in pursuit of health or pleasure, Turin offers fewer attractions than almost any other spot in Italy. If, after crossing the Alps for the first time, we enter the city, a feeling of disappointment steals over us; for, although beautifully situated on the banks of the Po, and encircled by lofty mountains, of which we catch glimpses at the end of each of its broad streets, it is destitute of picturesque buildings, fine churches, and monuments of historical interest. "We smile," says Silvio Pellico, "at the magnificent idea we had formed of Italy, and begin to think that the descriptions of former travellers have deceived us." If, on the other hand, we arrive at Turin from the south, we are met by a cold wind from the mountains, or perhaps by one of those sudden and violent hail-storms which cut off whole crops, sometimes kill the sheep and lambs that are exposed to them, and are so much dreaded by the people of the country, that insurance companies have been formed to relieve the disasters they occasion; and, with such a greeting, we sigh to think

that we have already bid adieu to the balmy skies of fair Italy, —

"the home
Of all Art yields or Nature can decree."

But to those who have watched the struggle for regeneration, which, commencing in Piedmont, has now spread throughout the Peninsula, a visit to the capital, which for the last ten years has witnessed the peaceable development of free institutions, and has been the home of all Italians persecuted for their liberal opinions, cannot be devoid of interest. Here, where Cavour has just closed his career, where Elzeglio and Mamiani are now working in the cause of national independence, Balbo, Gioberti, and Rosmini, supported at first by the tacit approval, and at length by the public avowal, of Charles Albert, gave to that cause its first impulse. The image of this unfortunate but heroic prince is before us, as we tread the halls of the palace where for so many years he was forced to submit in silence to the orders of the Austrian Emperor and the insults of his ambassadors, or inspect the library containing the books on military art, which he himself purchased, and the collection of arms, which, with a taste that was hereditary, he took pleasure in forming, — both of which he bequeathed to the state; or, again, as we toil up the steep carriage-way that leads to La Superga, where all that is mortal of Charles Albert now rests. The vicissitudes of his life were not greater, perhaps, than have been those of some other monarchs; but it is the silent suffering of a proud and lofty soul, known to but few while he reigned, that lends an unusual and almost romantic interest to his memory.

From the time when he ascended the throne, his life was perpetually in danger. "I am placed between the chocolate of the Jesuits and the poniards of the Carbonari," he said to the Duc d'Aumale; but by nature, as by inheritance, too brave a man to be tormented by physical fear, he doubtless intended by these words to convey his deep sense of the hatred felt for him by the fanatics of the liberal party on the one hand, and of the priestly party on the other. Accused of treachery by the former because of the unfortunate position in which he was placed by the events of 1821, and of irreligion

by the zealots of the Roman communion, he was obliged to postpone the reforms he knew to be necessary, or to introduce them as it were by stealth, always under the *surveillance* of a pitiless master, the Austrian, who held him at mercy in the name of the treaties of 1815 and the equilibrium of Europe, but in reality by an immense armed force ready at any moment to cross the Ticino. The only Italian prince in Italy, — Italian by heart and by lineage, — Charles Albert was obliged to bear in silence so galling a yoke, and to dissemble, — not that he might reign, but that he might serve his country.

The great national insurrection of 1848 broke the spell by which he was bound; and the man who had chosen for his motto, "J'attends mon astre," unsheathed his sword, detertermined to accomplish the deliverance of Italy or to perish. He was defeated at Novara; but his heroic bravery and self-sacrifice have immortalized his name, and he died bequeathing to his son and people an example and hopes which have not been thrown away.

Charles Albert was born on the 2d of October, 1798, and was descended from that illustrious warrior, Emmanuel Philibert, the victor of St. Quentin, with whose deeds two of our own historians have made us familiar. His father was the Prince of Savoy-Carignan; his mother a princess of Saxony. At the time of his birth, Italy was already in the hands of the French Republicans, and the king, Charles Emmanuel IV., was obliged to abandon his throne, and, with his family, seek a refuge in the island of Sardinia. The Prince of Carignan, whose position relatively to the reigning branch was analogous to that of Louis Philippe with respect to the elder Bourbons, remained behind, and, espousing the French cause, did not scruple to serve in the National Guard. He soon after removed to France, where he died when Charles Albert was but two years old. The latter began his studies in a college in Paris, and completed them at Geneva, under the care of a Protestant clergyman of considerable merit. He was made a lieutenant in the eighth regiment of dragoons by Napoleon, and before he reached the age of manhood he had witnessed the rise, decline, and fall of that wonderful man. In 1814 he

returned to his own country with the precocious experience gained by this spectacle, and with the hope of succeeding to the crown in default of male heirs. The king then on the throne, Victor Emmanuel I., was a kind-hearted but narrow-minded prince, incapable of comprehending the changes that had taken place in Europe, and the necessity there is in this age that monarchs should consult public opinion, and often yield to it. Instead of retaining the excellent system of legislation and of administration introduced by the French, he suffered his ministers to replace everything on the same footing as in 1798. Exceptional tribunals, cruel penalties, and confiscations were all re-established, and, what was even worse, the king himself interfered in the administration of justice, suspended or annulled criminal suits, inflicted arbitrary penalties, and enforced different degrees of punishment for the aristocracy and for the lower orders, where the crime committed was the same. Men who had served their country in the time of Napoleon, or who had done honor to the Piedmontese name in foreign lands, were set aside, however moderate their opinions, while public offices were given to persons incompetent to the discharge of the duties which devolved upon them, and opposed to any species of reform or progress, simply because they had always upheld the sacred rights of legitimacy. Thus, in a short time, the great majority of citizens felt nothing but dissatisfaction and discouragement at the course pursued by the government, and the young Prince of Carignan, in whose heart the love of justice was innate, and who had admired under the Napoleonic *régime* the system which made all men equal in the eye of the law, and enabled merit to attain to the highest offices, saw with wonder and disgust the labor bestowed in effacing all the beneficial results produced by the French Revolution. His position, however, was a difficult and delicate one. It was natural, and even desirable, that he should show that he sympathized with the popular cause; yet, on the other hand, it ill became the presumptive heir to the crown to criticise the acts of the sovereign to whom he owed allegiance, and above all it was important that he should not excite suspicions which might interfere with his accession to the throne. He wisely endeavored to pursue a middle course. He labored success-

fully to acquire perfect self-control; his face told no secret which he wished to conceal, and it was only the flash of the eye in moments of intense emotion that betrayed the hidden fire. Firm in the belief that the union of parties was indispensable to the progress of Italy, he endeavored to conciliate men of every shade of opinion, and to conquer every feeling of enmity toward those who were opposed to him, while showing deep gratitude to all who served him well; and he could say with truth in after years, when speaking of those who had sought to injure him, "I have never persecuted, nor even reproached, one of them; and I have shown kindness to almost all."

To us, who can now look dispassionately at the life of Charles Albert, it is evident how much his strong religious feeling assisted him in this life of self-control and self-forgetfulness; but, circumstanced as he was, it is not surprising that he should have been accused, both before and after he came to the throne, although not by the same party, of insincerity and double-dealing. It was the misfortune of his life to be thus suspected; but if in his earlier years he sometimes erred in the line of conduct he pursued, his subsequent career has caused these errors to be forgiven, and made his memory forever dear to his countrymen. While he was by no means a man of uncommon intellect or of varied talents, his zeal for the welfare of his people, which he always preferred to his own, his contempt of all pomp and luxury, his love of glory, and the fervor of his religious faith in this sceptical and prosaic age, raised him not only above the princes who in his time occupied the various thrones of Europe, but above the ordinary level of humanity. The austere dignity of his demeanor inspired respect in all who knew him, and the unvarying courtesy which even in sickness and in pain never deserted him won the affection of those who more frequently approached him. He had naturally a keen sense of the ridiculous, and a disposition to satire, which he taught himself to check, feeling how dangerous it is for a prince to indulge it, and how unfair an advantage it gives him over his inferiors, whom the respect due to royalty and the etiquette of courts prohibit from replying to a sarcasm in a similar strain. His personal habits and tastes were so simple, that on the throne he may be said to have led almost the life of a cenobite.

In 1820, the desire and hope of national independence, although not so general as it has now become, glowed in the hearts of many Italians. There was, it is true, the same diversity of parties which we have since seen, and probably many more secret societies. Of these, the principal was that of the *Carbonari*, which had its origin in Calabria, and thence spread over Italy and Europe. Among its leaders were men of violent passions, destitute of all reverence for either monarchical institutions or religion, and who hated alike kings and priests. These called themselves republicans. Others sought to obtain for Italy a constitution similar to that promulgated in Spain in 1812, which admitted but one legislative body, and made the king a mere puppet in its hands. The greater number, however, wanted a constitution on the model of those of France and England, and a war against Austria which would drive her from the Peninsula. Many officers of the army, and particularly those in the artillery, cherished the latter design; and to the Prince of Carignan, himself Grand-Master of the Artillery, they confided their hopes. With the rashness natural to youth, they neglected to inquire whether the country was equal to such a struggle, or whether, in the event of a war, they could count upon Lombardy. They knew that their king was at heart unfriendly to Austria, and they thought that he could easily be persuaded to the attempt to wrest Lombardy from them. But Victor Emmanuel had pledged himself at the Congress of Laybach not to grant a constitution, and he was too honest a man either to break the word then given to the sovereigns, or, yielding, as some other monarchs have done, to the exigencies of the moment, take back at the first convenient opportunity the constitution thus granted. He abdicated, therefore, on the 13th of March, 1821, appointing the Prince of Carignan regent of the kingdom. Although the Duke of Genoa, the brother of the king, was not mentioned in the act of abdication, the crown naturally devolved upon him; but he was absent from Turin, and Charles Albert, in spite of his youth and inexperience, was thus forced upon the stage. Beset by the clamors of the revolutionists, and listening to the advice of some of the leading men of Turin, he consented to proclaim the Spanish Constitution, with

some slight alterations, on the express condition that the new king, Charles Felix, should give it his approbation. But Charles Felix, as is well known, disapproved of all that had taken place; refused even to carry out the reforms on which his predecessor, in conjunction with some of the most distinguished men in the country, had determined; punished several of those who had taken part in the popular movement, deprived others of their offices and honors, and sent into exile some, who, like the celebrated Santa Rosa, were men of the highest integrity and talent.

Such were the bitter fruits of the insurrection of 1821, and no one suffered more severely from them than the youthful Prince of Carignan. Deeply convinced that a *military* insurrection could never be justified, he hastened, while the power was yet in his hands, to grant an amnesty to those who had taken part in it; and this, which one might have thought would have proved the real interest he took in the insurrectionists, was looked upon by them as a proof that he had deserted them. He was also severely blamed for laying down at the feet of the legitimate heir to the throne the authority with which he had been temporarily invested. So much does political passion blind men to what is really fair, just, and honorable. But if Charles Albert incurred the displeasure and hatred of the party which had claimed him as one of their number, and which, forgetting what he owed either to his sovereign or to his own position as future king, would have had him rush into certain ruin, he became from that time no less obnoxious to the party of the court, the defenders of all the abuses of the *ancien régime*, and to the Austrians. With the exception of a few personal friends, among whom were Cesar Balbo and General della Marmora, who remained faithful to him through good and evil fortune, he led from that time till his accession to the throne a sad and isolated life. But if misfortune and the injustice of his countrymen saddened, they did not imbitter him, and from his own words we learn how he felt toward his enemies. In 1839 he wrote as follows: —

"Eighteen years have passed since the events of 1821. I cannot but think that, passion having had time to calm, truth may have emerged from amidst the calumnies of every kind engendered by party

spirit, private interest, and disappointed vanity; I cannot but think that a judgment according to the spirit of the Lord has succeeded to erroneous opinions. If it be not so, I will not seek to vindicate myself. I could not do so without speaking ill of many, without revealing many human weaknesses. I will preserve the *impassible* attitude I have adopted; my heart contains no rancor against any one; my mouth will never utter a word of reproof unless compelled by duty. God grant that I may only have to praise those who have been most violent against me. Blessing the hand of God in all the events of life, that which I now write, I write only to state some facts personal to myself, from which the reader may deduce any consequences he pleases. I have been accused of *Carbonarism!* I confess that I should have been more prudent had I constantly kept silent as to the events which were taking place before me, had I not blamed the judicial and administrative forms which governed us; but these opinions of my youth have grown and strengthened within me, and after coming to the throne I exerted all my endeavors to direct them for the good of our country, by founding a powerful government resting on laws just and equal for all in the sight of God, putting it out of the power of royalty to commit serious errors and injustice; causing it to give up henceforth the custom of interfering in matters which ought to be left exclusively to the jurisdiction of the tribunals; establishing an administration above intrigue or personal considerations, filled with the spirit of wise and constant progress; promoting every species of industry; honoring and rewarding merit in whatever class it may be found; organizing an army capable of sustaining gloriously the national honor and independence; introducing into the administration of the finances such system and economy, such integrity and such severity, that it may be in our power to begin great things, and at the same time to lighten the burdens of the people; in short, so ordering public affairs that full and entire liberty may be enjoyed by all, except those who should wish to do evil."

The King then goes on to show how absurd it is to suppose that he, a Christian prince and heir to the throne, should have leagued himself with the enemies of religion and of the monarchy, and adds: —

"I was accused of conspiring. I confess that it would have been more prudent, considering my extreme youth, had I remained silent when those around me spoke of war, of the desire to extend the states of the King, of contributing to the independence of Italy, of obtaining, at the price of our blood, such an extension of territory as might consolidate the happiness of our country; but these aspirations of a young

soldier even my gray hairs cannot belie! I feel that till my latest breath my heart will throb more quickly at the words of Italy and independence from the foreign foe."

It was not till 1830 that the Prince of Carignan was restored to the favor of King Charles Felix. On the 27th of April, 1831, he succeeded him, and from that moment began the practical application of those principles which in his early years he had espoused.

We must not imagine, however, that the reforms which he considered necessary were easily carried out. Austria, who, to use the expression of M. de la Varenne, "scented her most dangerous foe in him," had used every exertion to exclude him from the throne, and to induce Charles Felix to name an Austrian Archduke as his successor. Having failed in this, she determined at least to prevent the establishment of free institutions in his kingdom. Within the walls of his own palace Charles Albert was as narrowly watched as ever was the inmate of an Austrian dungeon. His own Minister of the Interior said: "Austria does not trust him; she knows him better than he supposes: he is well watched. *We* know what he is doing at all times, in all places; *we* know to whom he writes, from whom he receives letters, with what persons he communicates; and he may be assured that, at the first blunder he commits, Radetzki will appear with an army, and he will be compelled to abdicate." Thus the King was made to feel that by the will of the Emperor, not by his own, his states were to be governed. The requirements of the Austrian ambassadors were, however, usually couched in language which became their position and his own; but Prince Felix Schwarzenberg (afterward the Prime Minister of Francis Joseph), who represented Austria at Turin, became so insolent, at the beginning of 1848, in his demeanor and words, that the King was obliged on one occasion to order him to leave his presence. The French government, on the other hand, had, during the Restoration, shown considerable sympathy with the Prince of Carignan, and had formally declared that his exclusion from the throne would bring about the event Prince Metternich so much dreaded, — "the general insurrection of Italy at the sight of a French army, which, in that case, would

appear upon the Alps." But from the government of Louis Philippe, determined to preserve peace at all hazards, and unwilling to forfeit the good-will of Austria, he received no support. Among his own subjects were few, as we have seen, who appreciated the difficulties of his position or his personal aims. Giusti, the great satirical poet of modern Italy, denounced the "esecrato Carignano" in poems, the printing of which was prohibited, but of which manuscript copies were freely circulated, finding their way even to the table of the great and powerful whom they attacked, and Giusti's opinions were at that time shared by all the disciples of "Young Italy." Around the King were men who, believing that he was secretly pledged to liberalism, suspected his every word and action, — men either sold to German interests, or so imbued with the prejudices of caste and the bigotry of ultra Catholicism as to be incapable of distinguishing between the reforms which the age requires, and which, as we now see, may be accomplished in Italy as successfully as in more northern climates, and the anarchy and excesses of the French Revolution. They would not suffer him to assemble the "provincial councils," as he was desirous of doing, in order to accustom his people to a constitutional government, and years passed before it was in his power to carry out this intention. He determined to introduce the Code Napoleon into his states; but six years elapsed before he succeeded in so doing, although the slight changes made in it to adapt it to the Sardinian people certainly did not render such a delay necessary. The abuses of clerical power were very numerous, and the assumption of authority on the part of the priesthood unjustifiable; but the slightest hint at remedying the former or opposing the latter was met by the charge of irreligion and of the attempt at persecution, although there has been no prince of our time more deeply imbued with religious faith, or more sincere in all the practices of devotion required by the church of which he was a member. His naturally good sense showed him that political progress was not incompatible with religion, and nothing gave him more pain than to have this doubted.

"I believe," he wrote in 1840, "that, in order to please God, we

must take advantage of all the discoveries and of all the progress he allows to be made in science and in art, and turn them to the benefit of nations and the progress of society. I also believe that a government ought to be powerful in order to protect religion, to defend its nationality, and cause it to be respected, — in order that the laws should be obeyed and the good shielded from the attacks of the wicked; but, on the other hand, I think that it ought to give to the people every advantage in its power, and enable the land-owners to participate as much as possible in the administration of their province. In one word, my opinion is that a monarchical government which acts wisely will always show itself progressive in all that is right, and give to the people every liberty, except that of doing harm."

Notwithstanding the difficulties he encountered, Charles Albert persevered in his endeavors to improve the condition of his states. Solicitous that justice should be tempered by mercy, and that an attempt should be made to reform the guilty, he established penitentiaries at Oneglia and Alessandria, and houses of correction near Turin. He likewise opened alms-houses and built a hospital for lepers, from the proceeds of his private revenue. His management of the finances was so judicious, that he was enabled to diminish the taxes, and to lay aside enough to construct the fortresses of Vinadio and Ventimiglia, to complete the fort Du Bard, to begin some railroads, to build several bridges, and to light the cities with gas. These improvements, which would seem simple enough in France or England, — to say nothing of our own country, — were so many conquests over ignorance and prejudice in Italy, where everything had remained stationary for so many years. The King also turned his attention to properly rewarding men distinguished in the arts, science, and literature; he concluded a treaty with Austria, Tuscany, and Rome, to insure literary property; and he collected within his own palace a good library, a fine set of medals, and the best collection of arms and ancient armor to be found in Italy. He had a decided taste for historical research, — a study always so necessary to the statesman, — and the archives of the kingdom, which had been hitherto jealously kept from the public, were now laid open to all who wished to consult them. The army had been much

neglected by Charles Felix, almost the only prince of the house of Savoy wholly destitute of warlike spirit; but Charles Albert determined to form one worthy of the ancient glory of Italy, and succeeded, at least in some measure, in so doing.

Years passed on, and still the Austrians held dominion over the Lombardo-Venetian territory, and the princes of the Peninsula still obeyed their dictates. The cannon was still loaded on the Piazza at Milan, Charles Albert was a prisoner in his own palace, and so natural is it for man to resign himself to whatever seems inevitable, that the fate of Italy had ceased to excite much sympathy or interest. Madame de Staël, in the eloquent pages of Corinne, had spoken only of her past greatness, in contrast to her present degradation and ruin, and successive travellers, losing all pity for the sorrows of a great nation, in their irritation at petty annoyances and dishonesty, agreed in saying, that, if the governments of the Peninsula were bad, they were no worse than her people deserved. Even Byron, deep as was his admiration for the great men of Italy, both of former ages and of his own, had said,

> "Nations melt
> From power's high pinnacle, when they have felt
> The sunshine for a while, and downward go,
> Like lauwine loosened from the mountain's belt";

and the world, although in more prosaic terms, echoed this idea. But in 1834 a work appeared, which, translated first into French, and afterward into other languages, was eagerly read by the whole Christian world, and excited universal indignation against the narrow and stupid tyranny which could condemn to fifteen years of *carcere duro* a man whose talents, learning, and piety entitled him to so much respect and admiration. The very spirit in which *Le mie Prigioni* was written increased the interest felt for Pellico and his fellow-sufferers, and prepared the public mind, perhaps unconsciously, for sympathy with the Italian patriots. In 1838, Count Cesar Balbo published his famous work, *Le Speranze d' Italia.* The views expressed in it, then novel, but afterward advocated by Cavour in the journal *Il Risorgimento*, founded by him in 1849, are those now generally

entertained by all true Italians. To drive the Austrians from the Peninsula was the first task he proposed to his countrymen; the next, to establish free institutions. Balbo's high rank and standing, and his position as a personal friend of Charles Albert, gave great weight to his work, the success of which was immense. It was soon in the hands of every statesman and diplomatist in Europe, and may be said to have first aroused the leaders of public opinion to the conviction that the fate of Italy was not sealed, and that she might yet aspire to take her place among the great nations of modern times. The works of Gioberti and Rosmini, appearing nearly at the same time, were, perhaps, intellectually more remarkable than that of Balbo, but less likely to be generally read. Their endeavors to show that Catholicism and liberty might be reconciled and act in concert, marked, however, a new era in the treatment of what is now called "the Italian Question."

In 1846, the election of Pius IX. — who as Cardinal Mastai-Ferretti had given proofs of his liberal views, and whose private character was unimpeachable — was the signal for general rejoicing throughout Italy. At length a pontiff was found who united the burning heart of a patriot to the blameless life of a Christian bishop. The hopes of the Italians rose; from all parts of Europe exiles returned to mingle their aspirations with those of their fellow-countrymen, and, with the enthusiasm peculiar to their race, almost to deify the man who now wore the tiara. But there was no one in all Europe who more heartily rejoiced in the new election than Charles Albert. Deeply imbued with the belief that liberty and religion should go hand in hand, he eagerly welcomed the idea that from the Vatican itself should emanate the measures that were to regenerate Italy.

The Revolution of 1848, by overthrowing the government of Louis Philippe, and establishing a republic in its place, hastened events in Italy. The King of Naples, either actuated by jealousy of Charles Albert, or by fear that the example set by the French might be followed in his own states unless he granted what he knew to be the desire of his subjects, gave to his people a very liberal charter. Charles Albert, who during

the preceding year had enlarged the liberty of the press, and had prepared the way for a constitution, granted that known as the "Statuto" on the 4th of March, "with the affection of a father and on the honor of a king."

Austria, having menaced in vain, and being disposed neither to follow the example of the above-named princes nor to relinquish her hold on her Italian provinces, marched into the Duchies, and occupied Ferrara. The indignation of Italy rose to its highest point, and Charles Albert offered to send his fleet to the shores of the Romagna, and in every way to lend his assistance to the Holy Father, whose cause he declared he would never desert. Unfortunately, the Pope was soon led to fear that he had gone too far in granting to the Roman people liberties of which the demagogues seemed inclined to make so bad a use. The idea of being the cause of bloodshed was abhorrent to him, and after allowing the departure of a corps of twelve thousand men for Naples, where a general insurrection had broken out, he issued a document, in which he said that, as a spiritual sovereign, he could not participate in the bloody conflicts which were about to take place. This measure was followed by the resignation of the ministry, which, at the popular request, was succeeded by one composed entirely of laymen. But the time had come when every concession made by the Papal government emboldened its enemies to hope for further victories. Neither the liberal ministry of Mamiani, a man of birth, education, and refined and amiable character, the sincerity of whose opinions had been tested by years of exile, nor the wise constitution framed by that eminent man, Pellegrino Rossi, could long satisfy those who, from the first, had aimed at the total overthrow of the Papal power. On the 15th of November, 1848, the day on which the Roman Parliament opened, Rossi was publicly assassinated, as he was about ascending the staircase of the Palace of the Cancelleria, where the Legislative Assembly held its sittings. He had been warned of his danger; but either from the natural magnanimity which would not allow him to believe in the intention of so foul a crime, or because he thought it his duty to risk even life itself in the cause he had espoused, he refused to listen to those who attempted to dissuade him from going out that day. When he reached the

piazza before the palace, he was saluted by the cries and hisses of the populace, but smiled disdainfully as he passed on. The conspirators closed around him as he reached the peristyle, but, still undismayed, he was attempting to push his way through them, when some one touched him on the shoulder. He turned proudly, as if to demand the reason, when the assassin, by a well-directed blow at his throat, gave him a mortal wound. He lived but a few minutes, and so great was the apathy or the aversion of the crowd, that the Duc d'Harcourt, then French Ambassador at Rome, states, in a despatch to his government, that it was with difficulty that Rossi's servant could find a person to assist him in transporting his unfortunate master to the private apartments of a cardinal, and that the Assembly continued its sitting without taking the least notice of the bloody deed that had been perpetrated on its threshold. The following day the streets of Rome were filled with the soldiers of the Civic Guard, who, fraternizing with the people, marched with them to the Quirinal, and attempted to dictate to Pius IX. the measures they wished him to adopt. The Pontiff nobly replied, that he could not deliberate under "the rule of force." At this unexpected token of firmness, the anger and excitement of the crowd became intense; the Swiss Guards were insulted, threatened, and driven within the palace gates; the Pope's secretary, Monsignor Palma, who was at one of the windows, was shot, and the Pope himself might have fallen a victim to the passions of the multitude, had he not determined, under the pressure of circumstances, to dismiss his ministers, and to refer the other demands of the people to the Chambers. The Republican party triumphed; but their triumph was of short duration, and proved fatal to the Italian cause. The Pope fled to Gaeta, and invoked the aid of the great Catholic powers of Europe. General Cavaignac was then at the head of the French government. He had repressed with great energy the socialist movements in France, and he now gave orders that five thousand men should immediately embark for the Papal States, to protect the personal liberty and security of the Pope, and to escort him to France should such a measure become necessary. A few months later, Louis Napoleon reopened the gates of Rome to the Pontiff, at the same time urging upon him, as he has

never ceased to do, the necessity of reforms. We have given this rapid sketch of the events which took place at Rome, because they had so serious an influence on the fortunes of Charles Albert, by depriving him of the moral support he might otherwise have received from the Papal government.

Early in March the news of the insurrection at Vienna emboldened the Milanese to rise against the Austrians, and, after a bloody conflict of several days, Radetzki was obliged to evacuate the city. At Venice, the same news produced the same result. On the 18th of March, a multitude rushed to the prisons, and, liberating two illustrious citizens, Tommaseo and Manin, carried them in triumph through the streets; and on the 20th, the people, finding that the constitution promised by the Emperor, at the last moment, in the hope of saving his Italian provinces, had not been even officially announced by the authorities, attacked the arsenal, and demanded its immediate surrender. Count Zichy, the military commandant of the town, had ample means of defence, but he was a Slavonian, a man of humane disposition, and had lived twenty-five years in Italy. He preferred to capitulate rather than cause so much useless destruction and misery. "I might deluge your streets with blood," he said to the Venetian delegates, "but I will not do it. In abandoning Venice, I am perhaps signing my own death-warrant, but remember that I have paid my debt of gratitude to Italy, and when you curse the soldiers of Austria, except my name!" A provisional government was immediately formed, with Manin at its head, and the Republic of St. Mark was proclaimed, but with the condition that this act should be "subordinate to the general interest of the Peninsula."

The people of Milan, conscious that the victory they had gained could not be lasting, unless the other Italian cities and states lent their co-operation, now invoked their aid, and especially that of Piedmont, their warlike and patriotic neighbor. To this appeal Charles Albert replied in the following words: —

"People of Lombardy and of Venice! We come to bring you that assistance which brother owes to brother, and friend to friend. We confide in the protection of God, who has visibly espoused our cause, who has given Pius IX. to Italy, and whose wonderful goodness will

enable her to work for herself. And to prove by visible signs how powerfully the feeling of Italian unity reigns in our heart, we now command that our troops, on entering the Lombardo-Venetian territory, shall bear the scutcheon of Savoy on the Italian *tricolor*."

On the 29th of March the Piedmontese army crossed the Ticino and entered Pavia, amidst demonstrations of indescribable enthusiasm. Ten days afterward, the first engagement took place between the Piedmontese and Austrian armies at Goito, a village between Mantua and Peschiera. The Piedmontese army, officered by men who had shared the campaigns of the French Empire, or by young and impetuous nobles, trained to the profession of arms, fought bravely, and, admirably seconded by the now famous "Bersaglieri," compelled the Austrians to retire, which they did, after blowing up one of the arches of the beautiful marble bridge which crosses the rushing waters of the Ticino, in order to prevent pursuit. But General Bara, re-establishing the communication thus cut off, followed them, and soon two other victories were gained by the Piedmontese.

The Austrian army, however, was powerful, and Radetzki was bent on success; heavy rains prevented Charles Albert from bringing forward his artillery, and the intense heat, together with the want of provisions and particularly of water, rendered the sufferings of his soldiers so great that they became disheartened, especially as it was now evident that no foreign aid was to be hoped. Russia and Prussia had from the first expressed the strongest disapprobation of the war; England, who in the beginning had lavished praise and encouragement on Charles Albert, now recoiled from the consequences of his acts; and the French Republic, strange as it may appear, showed no willingness to support so noble a cause, and treated with total neglect the envoys sent from Venice and the other Italian cities; while General Cavaignac openly declared that France was not disposed to quarrel with Austria for the sake of Italy!

Meanwhile, the King of Naples had revoked the Constitution which he had previously granted, had recalled the troops which he had sent, against his secret inclinations, to the assistance of Northern Italy, and had effectually quelled all attempt at revolution in his dominions on *terra firma*. It was under such circumstances, and with an army worn by fatigue and priva-

tion, that Charles Albert arrived before Milan, and encamped beneath its walls, having declared that he would never set foot within them till he had driven the Austrians beyond the Alps. He soon discovered, however, that to defend the city was impossible, and he resolved once more to sacrifice all personal considerations to the good of his country. He entered the city, and signed a capitulation with Radetzki, hoping by his presence and the respect felt by the Marshal for his rank, his courage, and the successes of the campaign, to obtain the best terms possible for the unhappy Milanese. That the excitement of the moment made the conduct pursued by Charles Albert the occasion of bitter invective, is not to be wondered at; neither, that the calumnies by which he was assailed in 1821 should now be revived. Subsequent events have shown that he could not have acted otherwise. The seeds of discord had been sown among the Lombards. If some among them were ready to die in the national cause, there were others who sought their own ends rather than the public good, and who would have thwarted his best endeavors in the hour of need. Besides, the city was not prepared for such a defence as it must have made, and to attempt it would have been certain ruin. Radetzki promised that Milan should be spared; that two days should be allowed for removing the wounded, and that all persons who wished to leave the city during that time should be unmolested. Three fourths of the population availed themselves of this permission, and left the city with the last column of the Piedmontese. No sooner had Charles Albert crossed the frontier, than he addressed the following proclamation to his people.

"People of the kingdom! The independence of Italy compelled me to war with Austria. The valor of my troops made us for a time victorious. Neither my sons nor myself shrank from danger, the justice of our cause heightened their courage and mine. But the smile of fortune soon forsook us. The enemy received numerous reinforcements, and my troops, left to fight alone, and without provisions, were obliged to abandon the positions they had occupied and the provinces they had restored to liberty. I retired on Milan, in order to defend that city; but my army, exhausted by fatigue, — for valor has its limits, — was not prepared to encounter new battles. It was impos-

sible to sustain a siege in Milan; money, ammunition, and provisions were wanting. We might, perhaps, with the assistance of the inhabitants have held out a few days, but only to bury ourselves beneath the ruins of the city, without hope of vanquishing our enemies. It was then that, with the consent of the Milanese, I began to negotiate with the foreigner. I am aware of the accusations by which it has been sought to tarnish my fair fame. I call upon God to bear witness to the sincerity of my motives, and leave to history the care of justifying them. A truce of six weeks has been concluded; in the interval I shall obtain an honorable peace, or war shall recommence. My heart has always throbbed for the independence of Italy, but Italy has not yet showed the world what she can do for her independence. People of the kingdom, show yourselves strong in this first reverse; make a good use of the liberal institutions you enjoy. You have made known your wishes to me; I have not only acceded to them, but am firmly resolved to remain faithful to my promises. I have not forgotten the acclamations with which you saluted me at my departure. Amidst the din of battle they still resounded in my ears. Have confidence in your king; the cause of Italian independence is not lost."

Thus ended the first campaign against Austria. It has been thought that, had Charles Albert pressed forward more rapidly, instead of attempting to capture the strong fortresses of the Austrians one by one, the result would have been different. This is, however, a question which none but military men are competent to decide, and they would probably be ready to admit that Charles Albert, as modest as he was brave, might be pardoned some hesitation in presence of so distinguished a general as Radetzki, and that the true reason of his failure was the fact that the time for the emancipation of Italy had not yet come. Neither public opinion in Europe nor public opinion in Italy was ripe for so great a change. It was in vain that the cry, "Fuori i barbari!" was heard throughout Lombardy, while local prejudices and party passions fomented feelings of jealousy and suspicion toward the Piedmontese. Piedmont herself had not yet given proof of that wisdom nor displayed those resources she afterward developed, and if the North of Italy was not firmly united, what could be hoped from the middle and southern provinces? During the twelve years that have since elapsed, Italy has learned that in unity only can be found national independence and a better order of

things, and Piedmont has shown the world that free institutions are not incompatible with the Italian character; while the cabinets of Europe have come at length to acknowledge the fallacy of Prince Metternich's oft quoted remark, "Italy is henceforth only a geographical expression." Charles Albert, however, was not destined to witness this great regeneration, of which he and his friends had sown the seeds. On the 14th of March, 1849, the Minister Ratazzi announced to the Chamber of Deputies of Turin that hostilities were about to recommence. The principal grievance of which he complained was the violation of the armistice concluded by Austria with Sardinia, at the time of the retreat of the Piedmontese army. The Chamber received this announcement with enthusiastic applause, little foreseeing that Radetzki, in the consciousness of his superior strength, would rejoice even more than they at the renewal of a war in which he knew that he must triumph. Scarcely a fortnight had elapsed, when the Piedmontese, after successfully resisting a first sudden attack of the Austrians at La Sforzesca, were defeated by them at Mortara, and, a few days later, at Novara. This town is situated on a rising ground, in the midst of fertile fields of maize, planted with mulberry-trees. It was once well fortified, but nearly all the fortifications have disappeared, and the ramparts, which command a fine view of Mount Rosa, now covered with green turf and shady trees, form a pleasant walk for the inhabitants of the town. The cathedral is a building in the early Lombard style, the mosaic pavement of which was probably laid in the ninth or tenth century, and it is interesting as representing the stork, the pelican, and other early Christian emblems.

It was in the immediate neighborhood of Novara that, on the 23d of March, the Austrians, who numbered sixty or seventy thousand men, attacked the Piedmontese, commanded by Charles Albert in person. The battle lasted from eleven o'clock in the morning till evening; the Piedmontese fought bravely, and the King with his two sons displayed heroic courage. But valor was of no avail against numbers. Retreat became unavoidable; but even then the Italians retired slowly and without confusion, while the balls fell around the King in such numbers that his aid, General Durando, seizing the bri-

dle of his horse, compelled him to turn to the left, in order to screen himself in some degree, and thus enable the troops to retire with less interruption. When they had all defiled, he turned to his aid and said: "The battle is lost, hopelessly lost; let us return to Novara; I will remain in the camp until night, and until the whole army shall have retired. Then you shall bring the Minister Cadorna to me."

Before re-entering the city, he sent General Cossato to Marshal Radetzki, to ask for an armistice. Toward nine o'clock the General returned, bringing conditions which it was impossible for the King to accept. Charles Albert then sent for two of his generals, and for the Minister Cadorna, told them of the conditions demanded by the Austrians, questioned Cossato minutely as to the probable causes of the conqueror's harshness, and then asked if it would be possible to retire upon Alessandria. On learning that the road to Vercelli was occupied by the Austrians, and that it would be impossible at that moment to assemble even eight thousand men determined to cut a passage through the enemy, he remained for a few moments lost in thought, and then said: "I have determined to abdicate. I will not accept dishonorable terms. Perhaps the Marshal will be more reasonable with my son." Being entreated by those around him not to take so important a step rashly, Charles Albert replied: "All you say is in vain. My resolution is irrevocable." It was urged that General Cossato should return to the enemy's camp, to inform Marshal Radetzki of the King's abdication, and to solicit other terms as the basis of an armistice. On leaving the King's apartment, Cossato declared that he could not assume the responsibility of treating alone with the enemy, and after some hesitation Signor Cadorna agreed to accompany him; and so unexpected had been the King's announcement of his intention to abdicate, that it was only then they recollected that it was necessary they should confer with the new monarch before starting on their errand. They therefore returned to the presence of Charles Albert, to whom they communicated their wishes, and, after a brief conference with Victor Emmanuel, took their way to the Austrian camp.

The King soon afterward summoned his aids, and repeated

to them what he had previously said to the other gentlemen. They entreated to be allowed to accompany him wheresoever he might go; but he, thanking them, begged them to desist from their entreaties, adding, "The life that I intend to lead is such as I can share with no one." Then, embracing them affectionately, he retired to prepare for his journey.

About midnight on the 23d of March, 1849, the ex-king, accompanied only by two servants, left Novara with a military passport furnished by the commandant of the town, in which he was designated as the Count de Barges. He had been on the road but an hour when he reached an Austrian post, where his life was for a moment in great danger. A corps of the enemy's troops had been stationed at a farm, and was protected by a battery. The officer in command, hearing amidst the silence and darkness of night the distant sound of Charles Albert's carriage-wheels, supposed it to proceed from a Piedmontese train of artillery, and ordered the cannon to be pointed in that direction. The matches were lighted, and the fatal order was about to be given, when he discovered his mistake. Approaching the carriage, he then inquired who it was that ventured to pass through an enemy's army without escort. He was told that it was the Count de Barges, a colonel of the Piedmontese army, charged with an extraordinary mission. Not satisfied with this reply, the officer caused the carriage to drive into the court-yard of the farm, there to await the orders of General Thurn. It was five o'clock before the General came. He inquired of the traveller if he had no regular passport, or permit to traverse the Austrian army, but the King could show only the passport given him by the commandant of Novara. He was requested to leave his carriage, and was shown into a room, where he was interrogated. He replied with his usual dignity and elegance of manner. He entered into the details of the battle. He praised the strategical movements of the Austrians, stated that their victory was complete, but that the Piedmontese had fought bravely, and repeated several times that the honor of the Piedmontese army was intact. Thurn and his officers were struck by the noble aspect and language of the traveller, and were disposed to think him a diplomatist as well as a military man. Thurn offered him a

cup of coffee, which he accepted; but, not feeling certain that he was either a Piedmontese or the person he represented himself to be, was reluctant to permit him to depart. At length a Piedmontese *bersagliere*, who had been taken prisoner, having been asked if he knew the traveller to be the Count de Barges, instantly recognized the King; but guessing as quickly that he wished to remain unknown, he replied in the affirmative, and at eight o'clock in the morning Charles Albert was able to resume his journey.

Passing through Vercelli, he reached Casale at noon, and found himself in the midst of a column of Austrians, who were preparing to assault that city. The King told them that an armistice had been signed; but they had not been officially informed of it, and the cannonading began while he was still within hearing. At Nice, he went to the Carmelite Convent del Laghetto, where he heard mass, confessed, and received the Holy Communion, it being Passion Sunday, and then, obtaining another passport from General Olivieri, the commandant of the town, he was escorted by that officer and the Count de Santa Rosa to the bridge across the Var, which then formed the boundary between France and Italy, where they took a sad farewell of him. At Antibes, he was overtaken by Count Castagnetto, for many years his faithful and devoted servant, who vainly entreated to be allowed to join him. The French commandant of the town also made him the most generous offers of service, and is said to have even shed tears at so striking an example of misfortune and self-sacrifice.

Rapidly traversing the South of France, he entered Spain, where two Piedmontese noblemen joined him, having been commissioned to ascertain whether he persisted in his determination; and, the King having replied in the affirmative, a public notary was summoned, and ordered to draw up an act by which, in the simplest terms, he declared his settled determination to abdicate. In all the Spanish towns through which he passed he was received with military honors; and, notwithstanding the fatigue of the journey and the indisposition under which he was laboring, he replied with his usual courtesy to every mark of respect that was shown him. In many places, the enthusiasm and reverence felt for the warrior and the

reformer were such, that the inhabitants of the towns dropped on their knees as he passed, or, seizing his hands, and even his garments, raised them to their lips. Adhering to his simple habits, he declined every luxury that was offered to him. The roads in Portugal were in so bad a condition, that he was obliged to send his carriage to Oporto by sea, and to proceed on horseback. He at length reached that city, where he received a warm welcome from the authorities, and, after passing a few days there, he removed to a suburban villa, which, although very unpretending, stood in a fine garden, and commanded beautiful views of the river and of the sea. Near the garden gate was a tower, where the Governor of Oporto insisted on stationing a guard, notwithstanding the King's repugnance to every honor which recalled his former condition. The house consisted of two stories, and about twenty rooms of various sizes, furnished decently, but without any attempt at luxury. The staircase was of wood, not of stone or marble, as is usual in the South of Europe. On the right, after ascending, was the chapel; on the left, a small room, where those persons who sought an audience were accustomed to wait; and directly opposite the staircase was the apartment where the King passed his days, seated at a table, and among his books and papers might be seen the pictures of the Virgin Mary and St. Francis. Here he wrote letters, or read the French journals, various military, scientific, or historical works, or books of devotion. He invariably rose when receiving any visitor, whatever might be that visitor's station in life, although his extreme bodily weakness often made it a painful effort for him to do so.

Charles Albert had scarcely taken possession of his new abode, when a deputation sent by the Sardinian Chamber of Deputies arrived at Oporto, to present to him the address which had been unanimously voted by them. In this address, while expressing their deep sense of his devotion to the Italian cause, they assured him that his absence from his native country would not cause him to be forgotten. "You will live among us, Sire," it said, "in that Statuto in which you joined our rights to your rights, — in those liberal institutions whose growth you assisted; you will live in our memory and

in that of posterity, the solitary and inimitable example of a king, who, educated in the school of modern times, was at once a citizen and a soldier."

In returning thanks for this address, the King repeated that his reason for abdicating was the hope that the enemy would make more favorable terms with his successor than with himself, and that his people would thus escape some of the consequences of defeat. At the close of his speech he said, that, amidst so many causes of grief, he derived some consolation from the recollection of the valor displayed by both officers and privates during the recent campaign, and from the hope that, as the feeling of nationality and of independence became more general in Italy, that which he had attempted would one day be carried out.

The words of the King were written down by Signor Ratazzi, one of the members of the deputation, who had been a minister and a personal favorite of his, and were read after his return to Turin to the Chamber of Deputies. He added, on that occasion, that the King had also desired him to express his gratitude to the Chamber for its proposal to erect a monument to him, and to say that, in the then state of the country, he must request them to abandon a project which must increase the expenses of an already overburdened country. Signor Ratazzi replied to this, in the name of his fellow-deputies, that the erection of such a monument was but a small proof of the respect and gratitude felt by the country, and that every one would cheerfully bear his part of the expense; but the King seemed to feel so strongly on the subject, that it was dropped by tacit consent. "I have considered it my duty to give you the details of our conversation," such were the concluding words of Signor Ratazzi to the Chamber of Deputies, "because they show how great is the modesty of that unfortunate prince, and also how deep is the love he has borne to us."

A deputation from the Senate soon after presented itself at Oporto. It was composed of two Senators only, Signor Collegno, and Signor Cibrario whose book we have now before us. The address they brought ran thus: —

"SIRE,—

"The Senate of the kingdom owes its existence to the Statuto granted by your Majesty to your people. It has more than once been a witness to the sublime qualities which have rendered your Majesty the object of the people's love and of public admiration.

"To the desire of enabling other noble provinces of Italy to share that independence which the sub-Alpine nations have enjoyed for centuries, your Majesty devoted your life. The fortune of arms was against you, and your Majesty, unharmed notwithstanding every effort of valor, felt obliged to yield to fortune and renounce the throne.

"Victor Emmanuel, the witness and imitator of your Majesty's prowess, will continue on the throne the paternal virtues for the happiness of his people; but, in the mean time, the Senate of the kingdom, deeply moved by the separation from your Majesty, has wished to express to you once more solemnly its gratitude for the liberties granted, and its admiration for the incomparable valor displayed in sustaining the honor of our arms and the ancient fame of the nation.

"The Senate hopes that in private life your Majesty will deign to remember the sentiments of which we have the honor to lay before you the sincere and cordial expression."

To this address the King also replied verbally, and the sound of his voice, tremulous with repressed emotion, together with the aspect of his countenance, pale and worn with bodily and mental suffering, but on which "glory and misfortune had set the seal of greatness," moved those present to tears.

"The proofs of affection which the Senate has given me are dear to my heart. The nation may have had better princes, but none who loved her more. To make her independent, free, and great; to make her happy, I have used every exertion, I have willingly made every sacrifice. But even sacrifices have bounds which must not be overstepped, and such occur when these are no longer consistent with honor. The moment had come when I must have endured what my soul revolted from. I sought death, but could not find it. I then became aware that there was nothing else for me to do but to lay down the crown. Providence has not permitted that the regeneration of Italy should now be accomplished, but I am confident that it is only deferred, and that so many noble examples, so many proofs of generosity and of valor given to the nation, have not been in vain, but that this passing adversity will be a warning to the people of Italy that to be invincible it is necessary for it to be united."

The health of Charles Albert had been extremely delicate from the time of his accession to the throne, and he had been heard to say that he should never live to be old. The fatigue of two campaigns, the mental anguish which he endured from the blindness and ingratitude of those who, attacking his character, endeavored to overthrow monarchies in order to establish republics which could not fail to ruin one another, even if Austria had not been at hand to seize upon her helpless and divided prey, and, lastly, the catastrophe of Novara, had given his constitution a fatal blow, and his physicians at Oporto did not hesitate to confess their fears as to the result. The King persevered, however, in his usual austere *régime*, living on rice, eggs, and fish, taking neither tea, coffee, nor chocolate, all of which agitated his nerves; and his appetite soon failed to such a degree that he had no inclination to taste the nourishing delicacies prepared for him by the kindness of some of the inhabitants of Oporto. In such a crisis, the two Senators, although their mission was at an end, determined to remain at Oporto, and directed M. de Lannay, the Sardinian *chargé d'affaires* at Lisbon, to inform the government at Turin of their intention. Nothing in the history of Charles Albert is more striking than the affection and devotion manifested toward him by his former subjects, from the time of his abdication to that of his death, and we cannot but think that the feelings thus displayed are a strong proof that the Italian character possesses a depth and sincerity for which it has not always received credit.

During the month of June, Charles Albert's health continued to fail; his strength was undermined by a slow fever, his cough was often very troublesome, his appetite became worse than before, and at times he suffered severe pain; but he never complained, and his will remained as strong as ever. He continued to rise at his usual hour, and often did the faithful servant who, without the King's knowledge, watched in the adjoining room, hear him leave his bed in the dead hours of the night and repair to the chapel for the purpose of secret and solitary prayer. What a contrast does the life of this unthroned monarch offer to that of Charles V., who in the convent of Yuste was as much absorbed in worldly schemes as he had been before his abdication, and who, be-

sides retaining a large retinue, among whom cooks and confectioners were not forgotten, took with him into his retirement a magnificent wardrobe, luxurious hangings, carpets, and furniture, and was never served but on silver dishes!

In the daily interviews which Signori Colligno and Cibrario had with the King, he spoke much and often of political affairs, constantly repeating that the strength and hope of Italy were in the Sardinian monarchy. But a few years have passed, and already the world has seen that he was right. His son has proved himself the only Italian prince in the Peninsula, and although the faction which produced the disunion and distrust that paralyzed the efforts of Charles Albert for the national regeneration still exists, public opinion everywhere condemns it and its acts. Constitutional liberty, such as Sardinia has enjoyed for the last fifteen years, is sufficient to make Italy prosperous and happy, provided her sons are united, while the doctrines of Mazzini and his followers lead but to anarchy and confusion, and when carried out will always be found to end in reactions similar to those witnessed after the revolutions of 1848.

On the last day of June, a Sardinian steamer arrived at Oporto, having on board the cousin of the king, the Prince of Carignan, to whom he was much attached, and who has since shown his disinterested devotion to the royal house by the missions he has fulfilled in Tuscany and at Naples. This prince was accompanied by Dr. Riberi, the King's physician, and his favorite valet, Bertolino. Aware that every attention which the King's situation required would be shown him by these persons, and having received information that Parliament was about assembling, the two Senators determined to take their departure. They left Oporto on the 2d of July, tarrying several days at Lisbon, to await the English steamer which was to take them to Cadiz, whence they were to embark again for Marseilles and Genoa. They did not reach the latter port till the 28th of July, the very day on which the ill-fated Charles Albert breathed his last.

The day on which they took leave of the King was the last on which he was able to leave his bed. For some time previous it had been extremely difficult for him to stand, and his

strength now failed so much that he was compelled to yield. His situation rapidly became alarming, and he was himself aware of it. He said, smilingly, one day, to Riberi: "If I die now, I shall have been fortunate at least in one thing, — I shall die at the right time. It is the 'felix opportuno exitu' of Tacitus."

On the 23d of July he insisted that Riberi should tell him candidly if his end was near at hand. Riberi feigned not to have heard the question; but the King, understanding his silence, sent for his confessor, and received the viaticum on the morning of the 28th, in the presence of his household and of the Sardinian *chargé d'affaires*. His confessor, having previously questioned him, according to the usual custom on such occasions, as to the various articles of faith of the Roman Catholic Church, his replies gave evidence of his sincere belief in them. He also asked forgiveness of all whom he had offended, and declared that he freely forgave all who had ever injured him.

On the 28th he seemed to rally; he took some nourishment, was able to read a letter brought him from his virtuous and affectionate wife, and asked for his prayer-book, in which he read for a short time. He then asked his attendants to assist him in turning in his bed; but while they were complying with his request, he was seized with a paralysis, which in a few hours terminated his earthly existence. He retained his consciousness, however; for while his confessor was administering extreme unction, he calmly listened and bowed assent to the prayers which accompany this last sacrament that the Church of Rome administers to the dying Christian.

The news of Charles Albert's death was received with interest throughout the world, and in Italy with tears and lamentations. As time has passed on, and his aims and character have been better understood, the sympathy felt for his misfortunes and the respect for his memory have increased. The people of Lombardy, as soon as they were liberated from the Austrian yoke, hastened to atone for their momentary injustice to him by a grand funeral commemoration in their matchless cathedral at Milan, and the pious pilgrimages to La Superga do not cease. Throughout Italy his name is

now the watchword of all true Italians. "J'attends mon astre," was the motto he adopted, and to which he faithfully adhered until opportunity enabled him to grant to his subjects the constitution which he believed to be the surest guaranty of their welfare, and to draw his sword in the defence of the national independence. Sublimely patient during long years of secret suffering, heroically brave in the hour of need, and a martyr to the cause of which he was the most illustrious representative, his name will live imperishably in the annals of modern Italy.

ART. II. — *Commentaries on American Law.* By JAMES KENT. Tenth Edition. Boston: Little, Brown, & Co. 1860. 4 vols. 8vo.

WE do not propose to make a special review of the Commentaries of Chancellor Kent; but we use them simply as a representative of the innumerable text-books on the English Law. These may all be separated into two classes; — the first including the reports and unpretending digests of cases; the latter books written with the more ambitious design of reducing the law to general principles. The former furnish a complete, satisfactory, and tolerably well-digested history of particular cases, and therefore fully effect their legitimate object. But the latter, being composed by men altogether ignorant of the fundamental principles of the method upon which they should have proceeded, entirely fail of their aim; for their professed design, the reduction of the law to general principles, belonging entirely to the province of philosophy, has fallen altogether into the hands of practising lawyers. Hence it happens that (except for the use of students, whose misfortune it is that they have to rely on text-books, good or bad) law-books of the latter class are utterly untrustworthy. For this opinion we avouch the tacit authority of the more intelligent of the lawyers themselves, who regard the reports as the only genuine fountains of the law, and use the text-books merely as

indexes. The result is, that the lawyers, whether philosophers or fools, are compelled, each for himself, to deduce the principles of the science from the infinite collection of particular cases decided by the courts of thirty-six different and independent governments, as found in some thousand or more volumes of reports, which is very much the same as if all the books upon the science of chemistry were pronounced untrustworthy, and the student were compelled to test every principle which he might wish to use, by reference to an immense history of the innumerable experiments from which the principles of the science were derived. To render the matter worse, the opinion prevails with the profession, that this fruitful source of uncertainty and confusion is a necessary evil, and cannot be to any great extent removed.

We hold, with Demosthenes, that past errors furnish ground of hope, rather than of despair, for the future. If we had used all means possible in the past, then it might be argued that it is impossible for us to advance further than we have advanced. But when it is easily demonstrated that the excellence of the law, so far as it is excellent, is the legitimate result of a certain method of proceeding, and that the uncertainty and other defects of the law are the equally legitimate results of departures from that method, then indeed may we hope, by consistently adopting the principles of that method, unmixed with the errors which have hitherto prevailed, to carry the science of law nearer to perfection than now seems possible. We propose, therefore, to offer a few observations in regard to the true method of legal science, and also the particulars in which the present system has departed from it.

From the nature of things, it is impossible to lay down a rule of action, or to make a law for any cases except such as are known and present to the mind of the legislator; and as it is impossible for him to conceive of the infinite variety of cases which may occur in the course of human affairs, it follows that the positive law is limited to cases similar to those which have actually occurred. For all other cases, then, there is no law but that of natural justice, which, within this scope, is part of the law of the land.

That natural justice is the rule of decision for such cases

appears when we consider that in all controversies between man and man, even if there is no rule of positive law applicable, still it is absolutely necessary to decide; and there can of course be no other standard than the native sense of right. But these remarks must be understood as applying to the civil, as opposed, in this respect, to the criminal law. For, in the latter, it would be iniquitous for the judge to go beyond the precepts of the positive law.

The lawyers have not been without a glimmering notion of this truth, and for their benefit we will quote a few passages in support of it. Grotius, in a passage often quoted, speaks of equity as "the correction of that wherein the law by reason of its universality is deficient"; and in another place he says, that there are cases which "lex non exacte definit, sed arbitrio boni viri permittet." The author of the "Treatise on Equity" expresses the same idea still more clearly. "As the rules of the municipal law are finite," he says, "and the subject of it infinite, there will often turn out cases which cannot be determined by them; for there can be no finite rule of an infinite matter perfect. So that there will be a necessity of having recourse to natural principles; that what is wanting to the finite may be supplied out of that which is infinite." Bacon, in some brief but profound observations on the philosophy of law, has pointed out the same truth. "There should be," he says, "both courts and juries to decide according to conscience and discretion where the rule is defective; for laws, as we have before observed, cannot provide against all cases, but are suited only to such as frequently happen; time, the wisest of all things, daily introducing new cases." And in another place he says, "The narrowness of human prudence cannot foresee all the cases that time may produce."

Yet no one seems to have had an adequate conception of the extent to which cases have been necessarily decided by principles of natural justice; but, on the contrary, the lawyers have ever indulged their imaginations with the fiction, that it has been the custom of the courts simply to deliver the positive law, and not to make it,—*jus dicere, non jus dare.* But the truth is, that, wherever there has been no principle of the positive law applicable, it has been not only the custom, but the

duty, of the courts to decide according to the principles of natural justice; and, in making the precedent, they have been as truly legislators as the Parliament of Great Britain, the Congress of the United States, or the Legislature of Massachusetts. It is in this way that the great mass of the law of every civilized nation has been made. In primitive ages, the cases that arise are few, and the laws are necessarily limited to them. But as the business of men increases in extent and variety, new cases occur, which are successively settled either by the legislator proper, or more commonly by the courts; and thus new principles are added to the law, and it approaches nearer and nearer to completeness and perfection. Thus the Roman laws were originally contained in twelve tables, so brief as to be easily committed to memory, and they could of course have extended to but a very small proportion of the cases which afterward arose. Accordingly, to use the words of the great Roman historian, "the silence or ambiguity of the laws was supplied by the occasional edicts of those magistrates who were invested with the honors of the state." And thus grew up the immense body of the civil law, of which comparatively but a small proportion consists of statute law.

Dean Milman, in his edition of Gibbon, remarks: "I cannot but consider this confusion of the legislative and judicial authority as a very perilous constitutional precedent," — an opinion in which any lawyer, or modern political philosopher, would agree with him. But the history of our own law presents essentially the same "confusion of the legislative and judicial authority"; for the common law, as it originally stood, and statutes, form but comparatively a small proportion of existing law, — the rest being what has been contemptuously called "Judge-made law," having arisen, as is well said by Kent, "from an application of the dictates of natural justice and cultivated reason to particular cases."

Such has been the origin of the whole systems of equity jurisprudence, of the law merchant, and probably of nine tenths of all the law of personal property and of contracts. And, from the nature of the case, this could not have been otherwise; for where the positive law was silent, which in the beginning it was in reference to a vast majority of all cases that afterward arose,

it was still necessary to decide, and the decisions, being held binding in all similar cases, became part of the positive law.

The positive law of a State is contained in English statutes and common-law authorities existing at the time of the emigration, unless subsequently altered, and in the statutes and in the judicial decisions of the State. It is a rule universally received in America, that the last-named, unless plainly opposed to former precedent, are absolutely binding. Where, however, there is a conflict among the precedents, the judge must decide according to the preponderance of authority; for it is true of our judges, as Gibbon said of the Roman Prætors, that the most absolute mandate can require them to agree with the precedents only when the precedents agree among themselves.

There is, however, a fundamental and essential distinction between statutes and judicial decisions. In the case of a statute, the duty of a judge is simply to interpret the language of the legislator, "Voluntas pro ratione stet," and the statute extends only to cases to which a fair construction of its language makes it applicable. On the other hand, a precedent should be extended to all similar cases. The legislator, in making a rule for a certain class of cases which he has in contemplation, may either not conceive of, and consequently omit, other cases, which come equally within the reason of the rule; or he may, by the use of too general language, extend the rule to cases where the reason for it does not exist. But this can never be the case with precedents rightly used, for they can be rightly applied only to cases presenting a similar reason. Therefore it is not sufficient, nor is it required, that the cases should be similar in name, or in general character; but they must be similar in those points which furnished the reason for the precedent decision. It follows, then, that when the court attempts, from the case before it, to lay down a rule which shall extend to cases not presenting a similar reason for the rule, it is a gross usurpation of legislative authority, and the rule is not law. Yet this is the every-day practice of the courts; the judges and the lawyers all the time strenuously denying that courts should ever make law, even in those cases in which it is absolutely necessary for them to do so. It need

not be remarked that an error in regard to this principle goes to the very foundation of legal science, and that it must always introduce into the law endless confusion, uncertainty, and injustice. For the whole end of legal science is, first, to discover what is just in particular cases; secondly, to discover what circumstances are essential to the decision, or, in other words, constitute the reason for it, and to class together all cases presenting those circumstances; and, finally, to discover, from the principles thus deduced, other more general and abstract principles.

The class of cases to which a precedent applies is rightfully determined by an *abstraction* of those things which constitute the reason for the precedent. But the classification made by words is made by an abstraction of some other common quality. And it has been a prevalent error to extend the precedent, not only to cases within the reason thereof, but to all cases having a common name. Out of many instances of this error with which the practice of the courts could furnish us, we will select one, from the decisions of the most august tribunal in the land, the Supreme Court of the United States.

In the case of Hunt *vs.* Rousmanière that court decided that, where parties by a mistake of law (that is, by a misapprehension of what the law is) are prevented from making a contract, which otherwise they would have made, neither party can be relieved by a court of equity; for courts cannot make contracts for parties. But afterward, in the case of the Bank of the United States *vs.* Daniells, the court extended this rule to *all* cases of *mistake of law*, and decided that where a party, under a mistake of law, paid money, which he was under no obligation legal or moral to pay, he had no right to demand a repayment.

Nor is the Supreme Court alone in this respect. For the question, "whether a party shall be held bound by an act done under a mistake of law," has been a subject of contention among the lawyers for thirty or forty years; as it was for many generations previous, to their brethren of the civil law. And after endless discussions, (affording a melancholy instance of the imbecility of the human intellect, when it leaves the

contemplation of nature, and busies itself about received notions and prejudices,) the question still remains unsettled; — no one ever seeming to have considered that under the term *mistakes of law* are included various, and clearly distinguishable, classes of cases, differing in all those respects which constitute the reason why relief should or should not be granted.

The positive law is generally supposed to be more complete and extensive than it actually is; for lawyers have a confused notion that the judicial decisions of the courts of other States, and of England, should be regarded by our courts as precedents and positive law. But such, we apprehend, they are not. It would be ridiculous to suppose that a judge sitting in England, or in Illinois, should make law for Massachusetts; and the same argument which proves that English precedents are law here, proves equally well that our precedents are law in England. But it is well known that they are not so considered by the English courts; a precedent that we are, according to the notion itself, bound by. And so the notion becomes suicidal, and kills itself. In truth, as *mere authorities* these decisions should not have any influence upon the mind of the judge, but should move it only so far as they are founded in reason. Their proper use is, not as a substitute for the dictates of natural justice, but only as an aid in discovering what the dictates of natural justice may be. In other words, their use is to assist, not to govern, the mind of the court; and wherever they appear to the court to differ from natural justice, they should be disregarded. They stand, therefore, on no higher authority than the opinion of any private lawyer whose learning and ability are equal to that of the judge who made them, and who has bestowed upon the question an equal amount of unprejudiced investigation. In questions of *mere rational* law, that is, in all cases to which the principles of the positive law do not extend, English and other foreign precedents should not have as much influence as the far more just and philosophic notions of the civil lawyers. But the former are in general of much more extensive use than the civil law; for their use extends, not only to cases omitted, but to cases where the application of the principles of the positive law is in question.

It must be acknowledged, that the common practice of the lawyers cannot be appealed to in support of the truth of these views. But this happens from an inveterate and vicious prejudice and habit of thought, rooted in the profession by the growth of many centuries, which renders them so prone to depend for argument upon the opinion of others, that they will take the opinion of any one, rather than rely on the free and independent powers of their own understanding. In fine, in this, as in all other cases, the reason for the law indicates its extent; and there can be no other reason for the use of English and other foreign precedents, than that which is well urged by Sir William Jones in favor of the use of the Civil Law: —

"The Rescripts of Severus or Caracalla, which were laws, it seems, at Rome, have certainly no kind of authority at Westminster; but in questions of mere rational law, (and, when we speak of common-law precedents, of positive law also,) no cause can be assigned why *we* should not shorten our labor by resorting to the wisdom of ancient jurists, many of whom were the most sagacious and ingenious of men. What is good sense in one age must be good sense, all circumstances remaining, in another; and pure unsophisticated reason is the same in Italy and in England, in the mind of a Papinian and of a Blackstone."

But the chief value of foreign reports is this, — that they furnish us with an infinite number of particular cases, from which to derive new principles, (being to the lawyer what the laboratory is to the chemist,) and thus enable us to render the law more complete. For, as is to be inferred from what we have before said, without them the law would be limited to cases that have occurred in our own courts; but by a proper use of them it may be extended, at this age of the world, to nearly all possible cases that can arise in the course of human affairs.

As the law of all cases not provided for by the positive law is natural justice, it follows that this part of the law at least is purely a science, and that its principles are to be discovered only by a use of the true philosophic method. Indeed, the whole law is a science so far, and so far only, as it agrees with natural justice. And in the main it does thus agree; for no system of law could for any great length of time exist unless

for the most part it coincided with received notions of justice. Regarding the law then as a science, the question naturally presents itself, How are we to treat precedents and statutes which are contrary to natural justice? As for statutes, we have before remarked that they should never be extended beyond the plain meaning and intent of the legislator. Depending as they do upon the will of man, and not being derived from the nature of things, the science of law has nothing to do with them, further than simply to note them as agreeing or disagreeing with its principles. The same remark is true of erroneous precedents, which by force of custom have passed into law. These should be respected as law in cases similar, not only in reason, but in name and general circumstances; but are to be treated as arbitrary exceptions, to be extended no further.

This seems to be what was intended by the profound observation of Bacon: "Let reason be esteemed a fruitful, and custom a barren thing, so as to breed no cases. And therefore whatever is received against the reason of a law, (i. e. the true reason of a law, natural justice,) or where the reason is obscure, should not be drawn into precedents."

It is well known that Bacon intended the Novum Organum to apply as well to the moral and mental as to the natural sciences. "Some," he says, "may raise this question, — whether we talk of perfecting natural philosophy alone, according to our method, or the other sciences also, such as logic, ethics, politics. We certainly intend to comprehend them all. And as common logic, which regulates matters by syllogisms, is applied not only to natural, but also to every other science; so our inductive method likewise comprehends them all." And, in another place: "Man, as the minister and interpreter of nature, does and understands as much as his observations on the order of nature, either with regard to things or the mind, permit him, and neither knows nor is capable of more." That this remark is true in regard to legal science cannot be denied; for the principles of law either are, or should be, generalizations of what is just in particular cases. And it is evident that even the received and familiar notions of justice must have had their origin in observations of

what was just in particular cases. For though we are apt to regard justice in the abstract, and as something having an independent existence, yet the truth is, it can actually exist only as a quality of the transactions of which it may be affirmed. Just as a color, of which, as of justice, we can form an abstract conception, can exist only as a quality of some object.

It is a common opinion, that the received principles of justice are coextensive with human conduct, and that to every controversy between man and man some one of these principles will be found to be applicable. But the error of this opinion would immediately appear, if any one would collect all the received principles of justice, whether found in common use or in the writings of moral philosophers; for we venture to assert that there are innumerable cases in the law reports that could not be decided either by any of those principles or by any deductions from them. The cause of this error is, that men have mistaken their ability to perceive what is just, for an actual precedent knowledge. When a new case presents itself, we are able, (whether the rule be utility, or common sense, or conscience,) by the action of our own mind, to perceive what is just; and we are prone to think that we decide the case by some rule of justice known to us before, when in fact we are making discovery of a truth previously unknown. In moral and in legal science, then, as well as in natural, the truth of Bacon's remark must be admitted, that "our only hope is in genuine induction."

Fortunately for the happiness of mankind, to which just laws are a necessity, it has been from the nature of things impossible for those who made the law to wander altogether from the right way. "We are of opinion," says Bacon, "that, if men had at their command a proper history of nature and experience, and would apply themselves readily to it, and could bind themselves to two things, — 1. to lay aside received notions and opinions; 2. to restrain themselves till proper season from generalization, — they might by the proper and genuine exertions of their minds, fall into our way of interpretation, without the aid of any art. For interpretation is the true and natural act of the mind, when all obstacles are removed." The sagacity of this remark is illustrated by the

history of the law; for the lawyers, by the regular course of their profession, have always been compelled to a familiarity with the particulars from which their rules were to be deduced. Particular cases being held as precedents, the lawyers have always been compelled to resort to them as the original sources of the law; and when they have fallen into the error of too hasty generalization, they have been compelled, by the necessity of again and again subjecting their notions to the test of experience, to correct them in a greater or less degree.

Hence the lawyers have been necessarily more truly philosophic than the philosophers. For the latter, in this as in other sciences, have attempted to bind truth in the fetters of the syllogistic system, "seeking truth, as Heraclitus well said, in their own little worlds, and not in the great and common world." But their theories, when founded upon the self-originated notions of their own minds, and not upon induction of particulars, could never be adopted in practice. Thus it happened that the law, though often twisted awry by the prejudices of the lawyers, has yet always enjoyed a free and vigorous growth, and has never been dwarfed by the false methods of philosophical investigation, which prevailed before Bacon's time, and which still continue in some departments of knowledge to mislead the energies and retard the progress of human thought. Thus the law, despite the prejudices and narrow notions of the lawyers, has been, by the necessarily familiar contact of their minds with the infinite particulars of human affairs, so far advanced as to afford some ground for the boast that "the law is the perfection of reason."

Therefore we unhesitatingly reject the opinion of those who regard the present system of law as radically wrong. On the contrary, we hold that the law as it is, and the science of law, which is the law as it should be, in the main agree, and that it is in the history of the development of the present system that we shall be best able to discover as well the true method of legal science as the sources of the errors which have crept into the law.

As for the sources of error, there are some which are common to all sciences, and some (which are of that kind called by Bacon "idols of the theatre") peculiar to the science of the law. Of the latter, the chief undoubtedly is that malign

agency exerted on the minds of the lawyers by the necessity of seeking in so many instances what has been decreed by man, rather than what is ordained by nature. Thought, as well as action, is influenced by habit; and thus the lawyers have extended their reverence for authority to cases where pure reason should prevail. This defect is touched upon by Bacon, who says: "The lawyers, being bound and subject to the decrees of the laws prevailing in their several countries, have not their judgment free, but write as in fetters." Thus errors are accumulated and perpetuated in the law. For by this method unjust precedents, instead of being confined to the cases to which a fair construction of their language renders them applicable, are made coextensive with the false reason upon which they are grounded. Thus, contrary to Bacon's maxim, custom is made equally fruitful with reason. Hence our law (confining the term to the civil, as distinguished from the criminal and constitutional or political law) abounds in error and injustice to a much greater extent than the Roman Law; for the latter has been cultivated by men uncorrupted by the practice of the law, and free to a great extent from professional prejudices and false notions, while the Common Law, much to its detriment, has hitherto fallen almost altogether into the hands of practising lawyers.

Our only hope, then, for the perfecting of the law, is in the adoption of the philosophic, as opposed to the professional, method of treating the numberless particulars under its cognizance. To this end, it is much to be wished that philosophers should turn their attention more to law, and that lawyers, or at least those who assume the philosophic function of discovering and expounding the principles of the law, should turn their attention more to philosophy. When this is done, as we have before said, we may look to see the law approach indefinitely near to perfection; and the absurd construction given by some courts to the maxim, "that every man is presumed to know the law," instead of being an unjust and oppressive legal fiction, will be the simple truth. For when the law becomes identical with justice, all men will know the law, their Creator having given them the faculty of discriminating between the just and the unjust.

ART. III. — *The Asian Mystery. Illustrated in the History, Religion, and Present State of the Ansaireeh or Nusairis of Syria.* By the REV. SAMUEL LYDE, M. A., Fellow of Jesus College, Cambridge, Author of "The Ansyreeh and Ismaeleeh." London : Longman, Green, Longman, and Roberts. 1860. 8vo. pp. 309.

THE title of this work is fantastic, and, as we think, not well chosen. The history, rites, and religious opinions of the Nusairis of Northern Syria are certainly obscure ; but it is unduly exalting a rude and unimportant people to make them the type of mystery in Asia. While the tenets and the story of the Mongols and the ancient Aryan races are still so imperfectly understood, — while there is a literature of nations civilized and great in the pre-historic ages yet to be interpreted, — there is no fitness in dignifying the secrets of a few wild mountaineers with the name of "The Asian Mystery." A pleasant and valuable monograph has, however, been made by Mr. Lyde. He has brought us to know a singular race of men, concerning whom our information has heretofore been exceedingly scanty, though their villages are not far from frequented routes of travel. But he has not, in his account of their origin or their religion, thrown any new light upon the sources of the Oriental theosophy. His work is rather a contribution to geographical science than to philosophical or religious history.

Mr. Lyde's book has not, nevertheless, any air of pretension. The assuming tone of the title is not sustained by any claim to superior knowledge or striking discovery. In a very modest preface the author mentions his special qualifications for the task he has undertaken, and states his practical design in writing the volume. His qualifications are, first, a residence for many years among the people in their own mountains, where they are unmixed with other tribes ; secondly, information acquired directly from servants taken from the Ansairee people, especially from an intelligent boy, who had been fully informed concerning the belief and customs of his tribe ; and thirdly, the possession of a liturgical book, called the "Manual of Sheikhs," in which all the main points of the system are declared. To

these peculiar qualifications he has joined the study and examination of what has been elsewhere published concerning the Ansairee people, both in Asiatic and European languages. Though finished as to the text, the work does not seem to be fully completed, and the notes with which he intended to enrich and illustrate it he did not live to write. His book is a posthumous work, and is published by his surviving relatives.

The sources of knowledge concerning the Ansaireeh and their opinions are few, and not altogether trustworthy. Burckhardt, Carsten Niebuhr, Volney, and Walpole,* passed through their land, and have given of them extended notices. In his *Annales de Voyages*, M. Rousseau has discussed the question of their opinions. In the *Revue d' Orient* for June, 1856, there is an article on the Ansaireeh from the pen of M. Victor Langlois, who professes to draw his information from a manuscript in the library of the Mufti of Tarsus. The journals of the French and German Oriental societies have contained repeated accounts of Ansairee manuscripts and mass-books, principally in the communications of M. Catafago of Beyrout. In his recent work on the "Religions of Syria," Rev. John Wortabet devotes a dozen pages to the "Nusariyeh," but his information concerning them is mostly taken from Mr. Lyde's previous account of his visit among them, and seems not to be derived from any personal knowledge. The work before us is probably the most trustworthy, as it is certainly the most complete and accessible, work on the subject in the English tongue.

The name which Mr. Lyde gives to this people is not that by which they are generally called. Other writers give it as the "Nosairis," or the "Nusairis," or the "Nusaireeh," or even the "Nasarieh," or "Nasiariens." This last is the term applied to them in the Jesuit letters. Maundrell spells the name "Neceres," while Pococke styles them "Noceres." Burckhardt speaks of the Ansari, while Volney tells of the Ansaria. The common Arabic designation is "An Nusaireeyeh," and

* The work of Lieutenant Frederic Walpole, the "Ansayrii and the Assassins," was published in London in 1851, in three volumes, octavo. The notices of the Ansairee people, however, are confined to the third volume, and are not to be received as accurate. They deal only with the external life of the people, and give no information concerning their history or their religion.

the name which Mr. Lyde adopts is simply a contraction of this Arabic title. They are not, however, accustomed to use this name in speaking of themselves. Like the other secret sects of the East, they prefer to employ some general and unpretending term, and that by which they are commonly known is "Fellaheen," or peasants. They are as unwilling as the Druses or the Yesidees to give any clew to their religious opinions by the name which they bear. In an account of the sect, the name which Mr. Lyde chooses, Ansaireeh, will do as well as any; though the English spelling is altered from the orthography of his previous work, where he wrote it "Ansyreeh." It is not easy to be consistent in rendering into English the unmanageable sounds of the Arabic alphabet.

The boundaries and geography of the Ansairee country are carefully given in the opening chapter of the volume. The mountain range of which they are the nearly exclusive possessors extends from the river El Kebri, the ancient Eleutherus, on the south, nearly to the mouth of the Orontes and Antioch on the north, or from the latitude of 34° 46′ to that of 36°, or thereabouts, with a varying breadth of from twenty to thirty miles. But the people are not by any means confined to this mountain possession. They are found in great numbers on the maritime plain which environs the ancient seaport of Ladakieh, and their villages are scattered in the half-desert region watered by the upper Orontes, the chief towns of which are Hums and Hamah. In Antioch, and the region around, they make an important part of the population; on the other side of the sea, in the districts of Adana and Tarsus, they have made settlements; at the base of Mount Hermon in Palestine they are the troublesome neighbors of the Arabs of Banias, the ancient Cæsarea Philippi; and it is affirmed by one of their sheikhs that they have a quarter in the distant city of Bagdad, with five hundred souls, and a town in the more distant kingdom of Persia.

The best estimates of the numbers of the Ansaireeh set these down as exceeding two hundred thousand, the larger part of whom inhabit the Ansairee Mountains and the surrounding region. This range of mountains, though lower than that of the Lebanon, and less fully cultivated, is far more

fertile, and not less picturesque in its natural scenery. If the traces of its former prosperity have mostly disappeared, enough remains to justify the legends of its richness and beauty. On the hill-sides are groves of beech, oak, and pine; and where the seed is sown, and is saved from marauders, a full harvest rewards the husbandman. Once the region was famous for its wine and its vineyards; but these have quite disappeared, as also have the later groves of fig, mulberry, and olive trees. The people are too poor and too barbarous to care for more than the most common grains and fruits, and have ceased to know the variety that their teeming soil once bore. The commerce of their only important port is in a plant not mentioned in the classic histories, and the sole association usually joined to the name of Ladakieh is that of choice tobacco. Ladakieh is for the Levant what Manilla is for the East Indies and Havana for the West Indies. All the surplus industry of the surrounding region, beyond labor for the necessaries of life, is bent to the production of tobacco for the markets of Cairo, Damascus, Smyrna, and Stamboul. The grain raised is millet, barley, and a poor kind of wheat, in quantities scarcely more than enough for bare subsistence. The fruits are principally melons and cucumbers.

The villages of the Ansairee people are usually small and meanly built, the houses being of the simplest Arab construction, than which nothing can be more simple, — a square of bare walls, with roof of sticks plastered with clay. Of furniture there is next to none, and the loss of a village by fire is a slight calamity, and easily remedied. In some Ansairee villages the ancient castles of the Saracens and Crusaders still remain, tenanted by the stronger or the holier men of the tribes, or by Mussulman owners who dare to inhabit these fastnesses. The Ansaireeh avoid the larger towns, especially those on the seaboard. They are not found in Ladakieh itself, nor in Tripoli or Beyrout, and are not reckoned in the population of Damascus. They are afraid of a too close mingling with the other races of Syria, and are very jealous of any force which may surprise them. Their subjection to the Turkish power is scarcely more than nominal; the cost of collecting tribute in their mountains is hardly paid by the tribute

collected, and probably very little of what is wrested from them finds its way to the Golden Horn. The people are suspicious, fierce, ignorant, and independent, live in chronic fear of attack, and are ready for war upon the least provocation. Their laws are unwritten, and of the rudest kind, and they have no respect for any rule but that of force. Centuries of strife have reduced the people to barbarism, and the land to a wilderness. The form of government is patriarchal, each village has its sheikh, and there is a bond of nationality in the hatred of Moslems on one side and Christians on the other. Yet this bond is far less strong in the tribes of the Ansaireeh than in the tribes of Maronites or of Druses. There are constant intestine divisions, quarrels of adjoining districts, neighboring villages, and families, which continually pass to a bloody issue. Mr. Lyde's narrative of his six years' residence among them is a tale of perpetual violence and blood, of treachery, robbery, assault, and massacre, in which all classes are implicated, the women and children not less than the men. Feuds are hereditary, and are transmitted with increased malignity from generation to generation.

The vices of the Ansairee people, as will be seen from this account, are neither few nor small. No Syrian race is more turbulent, more profane, more addicted to swearing, lying, theft, and murder. But there are some vices, according to Mr. Lyde, of which this people have been unjustly accused. They do not, as it has been affirmed, have a community of wives, nor are they the race of whom Volney reports that their evening religious assemblies end, when the lights are extinguished, in unrestrained debauchery. In this particular, Mr. Lyde is of opinion that "they are not more immoral than Western nations," and that, when their rude methods of life are considered, they are rather remarkable for chastity than for profligacy. Their women go unveiled, and are treated with more consideration than the women of other Syrian tribes, though in their manners there is no sign of delicacy. Drunkenness is another vice to which the Ansaireeh are not much addicted; more, however, as Mr. Lyde thinks, from want of the means of gratification than from any love of sobriety. The people have ceased to make wine, and have no

money to buy imported liquors. They avail themselves of the occasions of religious feasting to enjoy a short fit of intoxication, and are able to madden themselves readily with the cheap arrack distilled from their mountain figs. They are in food, too, comparatively abstemious, eating no meat, but little rice, and not much else than wheat coarsely prepared, with figs and melons in their season. Yet they are gluttonous in what they can steal, and are always ready to eat without limit at another's expense. Mr. Lyde is forced to confess that "the way to the affections of the Ansaireeh is through their stomachs, which they love dearly"; and he was fearful of literally being "eaten out of house and home" by the intrusive guests, who waited for no invitation, and would take no hint that their presence was unwelcome.

The positive virtues of the Ansaireeh Mr. Lyde finds to be extremely few. He grants them the merit of love for their progeny, of hospitality, and of courage in protecting guests from harm; but he has not much more of good to say of them. These virtues, even, are of an equivocal kind. The love for children is not a very enduring sentiment, and quarrels between father and son are common and savage. For the hospitality which they show, they expect and demand an equivalent, and it is hard to discharge the obligation which a meal in one's house has created. The protection of a guest gives no assurance that he will not be assaulted and robbed when he has ceased to be a guest. The Ansairee religion contains, indeed, the Christian precept of brotherly love, and has its special rendering of the golden rule; but the commentary on this in actual life is mutual suspicion, envy, covetousness, and slander. Individuals may praise their race, and boast of its worth and its capacities, but they rarely praise each other, and the sentiment of personal friendship is hardly known among them. Their acquaintance is formed rather in deeds of crime than in deeds of love, and Mr. Lyde mentions that his Ansairee servant would recognize persons upon the road by the quiet remark, "O, I know that man! I robbed him or his brother." Compunction for crime has no place in their scheme of graces. The wife of a man whom Mr. Lyde had induced to leave off robbing thanked him for "causing her husband to repent,"

not because the man's heart had been changed, but because the chance of a violent death for him was now so much lessened.

In physical stature the Ansaireeh are above the average of Syrian races. They are well made, athletic, capable of enduring fatigue, and active in habits; in color brown, yet of a lighter shade than the swarthy Bedouin. The women wear fewer ornaments than the Maronite women, whether from more simple tastes or from greater poverty it is impossible to say. All the men go armed, as much in their labor as when they are on expeditions of forage or battle. The musket which they use is long, unwieldy, antiquated in construction, with the flint lock, and is equally liable to miss fire and to burst when overloaded. Their powder is a coarse, home-made article, of very uncertain explosive power. Their balls have no regular shape, and they carry but a small store of these. They are as little trained to be marksmen as they are disciplined to be soldiers. Their swords are dull scymitars, not very formidable in regular warfare. Fearful as is their sudden attack, from its dash and ferocity, they cannot stand long against the approach of well-ordered troops, and a single French or English regiment would be more than a match for their largest army. They fight naturally as marauders, but can do nothing as warriors; and their impatience of control and their quarrelsome temper unfit them for profitable military service.

Our interest in the Ansaireeh is not so much, however, on account of what they are, as on the score of their mysterious origin and their mysterious religion. They are in no sense an important people to modern commerce or civilization, and when they are exterminated from Syria, as they probably will be before the century closes, the world will suffer no great loss. They are but one degree in social value above the Indians of North America, and are destined, doubtless, to the same fate. But their history is more curious, and their religion a more inviting problem, than the history and religion of the American red men. They are allied with, if not descended from, famous races; and their theology is sufficiently elaborate to deserve a place in the "heretical phenomena" of religious history. Their religious customs are their most striking peculiarities, and many of the customs which seem secular, and by

no means pious, have a religious sanction. It is mainly on account of their religion, and its bearing in illustrating the religious history of Syria, that Mr. Lyde has written his book concerning them.

Much of the history of the Ansairee race, after the comparison of the best authorities, must be left to conjecture. It is a reasonable hypothesis that they are descendants, in large measure, of the original Canaanites who possessed the land, and of the refugees whom the several invasions of Syria sent to seek shelter in these mountains. But this theory cannot apply to all the Ansaireeh. Not only the religion, which was brought in at a comparatively late epoch, but the very physiognomy of a large portion of the people proves that other than the old Canaanite tribes have contributed to their formation. It is certain that the Ansaireeh of Bagdad and Persia are not of the ancient Syrian descent. Mr. Lyde has an easy and to himself a satisfactory way of marking the difference between the indigenous and the foreign stock, by the existing difference of sect. This Syrian people have their men of the North and men of the South, their Shemseeh, Men of the Sun, and their Kumreeh, Men of the Moon, not confined to the boundaries which their name suggests, but dispersed in the land, like Northerners and Southerners in America. There are Shemseeh, Northerners, who live in the extreme South, by the base of Mount Hermon, while the middle and fertile districts of the country are largely in possession of the Kumreeh or Southerners, who have an inordinate love of power. These two sects are extremely hostile to each other, and are constantly at war. Their leading men are of wholly different temper, the one set more determined in their religious conscience, the other more resolute in their arrogant domination. In many places the Kumreeh have fairly dispossessed the original Shemseeh, though on the whole the Shemseeh are the most numerous and powerful. Mr. Lyde's theory is, that the Shemseeh are the descendants of the ancient Canaanites, while the Kumreeh are the descendants of those who brought the religion into the land at a much later date. The proof of this he finds partly in the physiognomy of the two sects, in which he seems to discover marked differences, — in the case of the Kumreeh the

signs of clear Oriental origin, — and partly in the traditions of the Kumreeh sect, which uniformly include accounts of a home beyond the mountains, in the plains of Mesopotamia. The stories of the first migration disagree. In some legends it is a tribe, in some only a family, that first came into the country; in some, the migration is peaceful, of those escaping from oppression; in others, warlike, of those going to conquest; some insist that all the people, Shemseeh with the rest, came alike from the East; — but whatever the difference of the legends, they agree in this, that there was a migration, that Syria is not the native land of all the race, and that it is not the native land of the religion.

The derivation of the name, or rather of the *names*, by which the Ansaireeh have been called, affords a clew to their history. Some speculations on this topic may be dismissed as untenable, — that of Pococke, for instance, who derives the name from the Nazerini, a people mentioned by Pliny (Hist. V. 23: "Cœle habet Apamiam Marsyâ amne divisam a Nazerinorum tetrarchia"); that of Wolff, who makes the name a diminutive of Nussâra, as if the Ansaireeh were so corrupt in their religion as to be justly stigmatized as "little Christians"; and a conjecture mentioned by De Sacy, that a Syrian village named *Nasaria* is the source of the name. The probable, almost certain source of the name, "In Nusairieyeh," which is the name given to them by an Arab author as early as A. D. 1021, is the patronymic of him whom the sheikhs regard as the founder of their sect, whose euphonious name in full runs "Abu Shnaib Mohammed ibn-Nusari il Becree in-Numairee il Abdee," Mohammed being the man's personal name, Nusari the name of his father, Shnaib the name of his son, and the other names titles of some family quality or distinction. "Sons of Nusari," is the phrase which the people apply to themselves. Mr. Lyde gives several Arabic authorities which seem to decide this point conclusively. If not the actual founder of the sect, Nusari seems to have been one of its earliest teachers. The date of his appearance cannot be exactly fixed, but it was certainly not earlier than the middle of the ninth century. This is the exterior and popular name of the people, given to them by other tribes and by enemies. But the interior and sacred

name, which the initiated use among themselves, "Khaseebeeh," is derived from the name of the great apostle of the sect, who was to it what Hamza was to the sect of Druses. The ninety-ninth question of the Ansairee Catechism is, "Why do we bear the name of Khaseebeeh?" And the answer is, "Because we follow the teaching of our sheikh, Abu Abdullah il Hosein ibn Hamdan il Khaseebee." This man, according to thebest chronology, was the missionary of Ansairee doctrines in Syria, from 900 to 920 A. D. His merits are exalted in all the manuscripts. He has the title of Lord (Rubb); he is called "the Ark of Security and Eye of Life"; and is referred to as the one "who made manifest to us the religion in all lands." He is not, however, included in the hierarchy of the Ansairee system.

The conclusion which Mr. Lyde draws from these historical hints is, that the Ansaireeh were an existing sect in Northern Syria at least as early as the close of the ninth century, separated by name as well as by doctrine from the other heretical sects, the Karmatians and Assassins. After this date, their history can be learned only from the scanty notices in the writings of travellers, and in the Arab chronicles. Gregory Abulfaradj tells of the vast numbers of Nazaræi killed by the Franks on their march to Jerusalem. Ibn-Batuta, more than two centuries later, speaks of their singular customs of worship and of their great numbers, and relates the story of a stratagem by which the Moslems subdued and slaughtered one of their tribes. Abulfeda (1317) mentions the Ansairee notion of the return of their Redeemer, and describes the political condition of the people. Maundrell (1697) remarks upon the chameleon habit of the people of the Northern mountains in assuming for the time the religion of those with whom they are conversing, and speaks of them as "great drinkers." The Jesuit missionaries have much to say upon the obstinate superstitions of a people who were insensible to their most urgent persuasions, and among whom they could do nothing. Pococke (1738) calls their religion a remnant of Paganism, and says that they seem fond of Christians, while the Turks despise them. According to Niebuhr, they were "not nearly so numerous as the Druses" a hundred years ago. Volney,

writing about seventy-six years ago, classifies the several sects of Ansaireeh with very doubtful accuracy; and is followed in this by Burckhardt, within the present century, who pretends to know of the Ansairee sects, of which he mentions nothing but the names. The civil and social history of the people has left very imperfect monuments, and the only safe inference that we may draw is that it was once far more important in numbers, in wealth, in intelligence, and in relative force than it is at present.

In tracing the origin of the Ansairee religion, Mr. Lyde is greatly assisted by De Sacy's learned account of the heretical sects of Islam, and he finds in these the same preparation for the heresy of the Northern mountains that De Sacy found for the Druse heresy of the Lebanon. The Magian, Sabian, and Karmatian mysticisms are all concerned in this later development. More nearly allied to the Ansaireeh are the Eastern Ismaeleeh, the famous sect of Assassins, so formidable both to Saracens and Christians, — the most powerful secret organization of the East in the Middle Age. But Mr. Lyde distinctly denies that the Ansairee doctrines have been derived from those of the Ismaeleeh, since the former were prior in time, and differ radically from the Ismaeleeh doctrines in many important particulars. Their systems of Imâms are as unlike as their rules of morality. The Ismaeleeh religion is reduced to much better order than that of the Ansaireeh, and has more of the characteristics of a secret society.

The prime article of faith in the theology of the Ansaireeh, as in all heretical sects of Islam, is the absolute unity of God. God is one, by whatever variety of names he may be called, however numerous his manifestations, and whatever personalities he may employ. Less stress is laid upon this fact than in the Druse Catechism, and the Ansaireeh do not, like the followers of Hamza, assume the special name of "Unitarian," yet the absolute oneness and self-existence of God are not less positively asserted. This one God has three personalities, not co-equal and co-eternal with himself, but created each by the preceding. It is the first person who is properly the Supreme God; the second person is created by the first, and the third by the second. The names of these several persons are the

Maana or Meaning, the *Ism* or Name, and the *Bab* or Door. The Maana is the absolute inner being, sense, and reality of all things, — what they are in essence; the Ism is the revelation which is made of the inner reality; and the Bab is the way by which the revelation comes to human knowledge. These persons of the Ansairee trinity have well-defined offices, and are inseparable in the various manifestations of God. They appear together, and they work together. The Supreme Deity has had in time seven manifestations, the last alone being full, perfect, and final. God's first appearance was in the trinity of Abel, Adam, and Gabriel; his seventh and last appearance in the trinity of Ali, Mohammed, and Salmân il Farisee. In the list of manifestations, it is remarkable that, in all but one instance, the person who holds the highest rank in the Ansairee trinity is one who holds a subordinate place, either by age or rank, in the Biblical and historical account. Thus Abel is the Maana when Adam is the Ism, Joseph is the Maana when Jacob is the Ism, Joshua holds the same relation to Moses, Asaph to Solomon, Cephas to Jesus, and Ali to Mohammed, his father-in-law and the founder of the religion. The only exception is in the case of Seth and Noah; and here, though Seth is the earlier in time, he has a less important place in the narrative of Genesis. The last Maana, Ali, is to the Ansaireeh, as to the Shiite sect of the Mussulmans, the perfect, the highest manifestation of God. All the other manifestations point to this, centre in this, and rest in this. Ali is substantially the Allah of the Ansaireeh, to whom divine attributes are ascribed, and in whose name prayers are made. Mohammed the Prophet is the Ism, the Name, under which Ali was made known; and Salmân the Persian, his companion, is the Bab, the Door, through which men come to know Ali. This Ansairee trinity differs widely from the Christian trinity, not only in its subordination of persons, but in the duties which it assigns to these persons. It is indeed said in the Ansairee Catechism, that the ascriptions to God, as the "Compassionate," the "Merciful," are intended to apply severally to the Ism and the Bab. But there is no work which this Ism and this Bab perform that shows the special fitness of these epithets. Mohammed is not particularly compassionate,

nor is Salmân il Farisee peculiarly merciful. The Bab is not specially a sanctifier, more than the Ism is a redeemer.

The attributes of Ali, the Supreme Divinity, are not so much scientifically arranged as implied in the hyperbolic epithets by which he is honored. He is addressed as the "Light of Mortals," the "Lord of Might," "the Disperser of Sorrows," "the Possessor of Necks," the "Beauty of Gray Hairs," "Frequent in Miracles," the "Horseman among Horsemen," the "Light of Vision," the "Striker with the Sword," the "Filler of the Seas," the "Breaker of Idols," "Light of Lights," "Ancient of Days," "Key of Mercy," the "Straight Road," the "Great Building," "Speaker of Truth," the "Prince of true Believers," the "First and the Last," — and by a score more of similar epithets, which strive to exhaust the catalogue of divine perfections. All is ascribed to him that the Jews ascribe to Jehovah, or that the Moslems ascribe to Allah. A favorite name, by which he is constantly called, is that of "Emir in-Nahal," Prince of Bees, because his followers choose the best flowers. He is the creator of the world and of all men. He is the Providence that keeps all things alive. He is the present and infinite Power, Wisdom, and Love. He knows all things, sees all things, and rules all things, though he is and always was invisible. The Ansaireeh have no doctrine of Incarnation like that of the Christians, and they hold that Ali took no flesh and blood, but only had a luminous shape. Their faith concerning the body of Ali is that of the Docetæ concerning the body of Christ, and of the Druses concerning the humanity of Hamza. His mother and brethren were only *apparent*, not real.

Some of the names which the Ansairee manuscripts mention as given to Ali, "in the various languages," are peculiar. "His mother," they say, "called him Haiderah, lion; the monk called him the most great Law, and Simon is-Safa, or Simon the Pure. He called himself in the pulpit Aristotle; and he is called in the Old Testament, Bareea (from the word *create*). His name in the New Testament is Elias, of which the interpretation is Ali. With the priests he is called Baweea; by the Hindoos, Kankara; in the Psalms, Areea; with the Greeks, Butras, Peter. His name with the Ethio-

pians is Habeena; with the Abyssinians, Batreek, Patriarch; and the Armenians call him Afreeka. Finally, he is called by the beings who inhabited the world before men, the Righteous, the Compassionate." It is remarkable that this phenomenal person, this mere luminous shape, should have left in the Ansairee writings discourses from the pulpit, in which he personally bears testimony to his unity and his immense knowledge.

Ali, as the Supreme God, is alone to be adored. The "Ism," great as he is, has no title to worship, and it is polytheism to worship the second person of the Ansairee trinity, even in connection with the first. The exact degree of dignity and the exact measure of influence assigned to this second person it is not easy to determine. The first human appearance of the Ism was that of the original Adam; the seventh and final appearance, that of the prophet Mohammed. These appearances were only the *veil* of the Supreme Divinity. The office of the Ism seems in some sense to be that of a Demiurgus, a power through which the worlds were created and the affairs of earth are carried on. His attributes, however, like those of the Maana, are mostly in names. The fourteenth question of the Ansairee Catechism asks for the sixty-three names which the Godhead has used to manifest himself in prophets and apostles. The fifteenth question asks for the *attributive* names of the Ism to the number of forty. The sixteenth question furnishes the *mysterious* names of the Ism, such as "Mad-al Mad" in the Pentateuch, "Redeemer" in the Psalms, "Paraclete" in the Gospels, and "Mohammed" in the Koran. The seventeenth question concerns the *personal* names of the Ism, which are here given as eight instead of seven, Noah being omitted, and Aaron and Mohammed (son of Hassan) added. The eighteenth question concerns the abstract names of the Ism, such as "Will," "Perception," and "Might." Eight questions, indeed, of the hundred in the theoretical part of the Catechism are specially devoted to the Ism, but all that they give us is a confused catalogue of the *names* of the "Name."

The office of the "Bab" or "Door," the third person in the Ansairee trinity, is equally obscure in their Manual and Catechism. His names in the several "stations" and personifica-

tions are given at length, but precisely what part he performs in the economy of the Divine government is nowhere declared. With the exception of the primitive Gabriel, his appearances are in historical personages, the last, Salmân the Persian, having been a freedman of Mohammed and a famous teacher of his doctrine. The chief office of the Bab seems to be to complete the abstract system of a threefold manifestation. He is in no sense the sanctifier, and holds no such relation to the initiated Ansaireeh as the Holy Spirit holds to the souls of Christian believers. In the thirty-first question of the Catechism, indeed, the Bab is called the "perfect soul," the "Holy Ghost," but not in any dynamic sense of that title.

Subordinate to this primal system of a seven-fold manifestation of a threefold Divinity is the system of hierarchies in which the Ansairee religion abounds. It has twelve *Imâms* or Rulers, of which Ali is the first and chief, who are held in the greatest reverence, and who have each his special Bab or Door. It has five Aytâm, or Orphans, who make special appearances in connection with the various Doors, — "choice spirits," who came first as angels, and who were afterward selected from the most gifted of earth. In the system of hierarchies the Doors number four hundred, the Aytâm five hundred; and beneath these, in regular descending gradation, are the Nakeebs, or Princes, to the number of six hundred; the Nadjeebs, or "Excellent" ones, to the number of seven hundred; the Mukhtasseen, or "Peculiars," to the number of eight hundred; the Mukhliseen, "the Pure in Faith," to the number of nine hundred; and finally, eleven hundred of the Mumtahaneen, or "Tried," — seven ranks in all of the heavenly hierarchies, five thousand strong. These heavenly ranks have their signs in the heavens, and seem to be in some sense personifications of elemental forces and phenomena. They are defined and explained with more exactness than the persons of the Godhead. We learn from the Ansairee Catechism that the seven degrees of the Aytâm, or Orphans, are "the East, the West, the Moons, the New Moons, the Stars, the Thunders, and the Lightnings." So of the fourth order, of Nadjeebs, or Excellents, that their seven degrees are "the Mountains, Rain-clouds, Seas, Rivers, Winds, Clouds, Thunderbolts." Of the lowest order of the

hierarchies, the Mumtahaneen, the seven degrees are "Houses, Places of Worship, Palm-Trees, Grapes, Pomegranates, Olives, and Figs." Other names they had in heaven before these earthly names, and these seem to have been given from the need of definition, as there is some confusion between the orders. Indeed, an ordinary brain finds it hard to keep the heavenly and earthly relations of these hierarchies apart. The mystical numbers 5, 7, and 12 cross each other continually; and there are Nakeebs and Nadjeebs for the earth in companies of different number from those in the ranks of heaven. We are vexed to learn that the twenty-eight earthly Nadjeebs have names also in the world of light, in "the twenty-eight mansions or stations of the Moon."

But if the heavenly hierarchies are so bewildering in their number and their confusion, what shall we say of the earthly hierarchies, — the 14,000 Near Ones, the 15,000 Cherubim, the 16,000 "Spirituals," the 17,000 Saints, the 18,000 Hermits, the 19,000 Listeners, and the 20,000 Followers, — a goodly fellowship of 119,000 in the whole, in whom the Ansaireeh are expected to put faith, and whose intercession they may ask? Yet over and above the 124,000 that we have designated, there are numerous prophets, apostles, and heroes, that have a claim to Ansairee reverence. The Ansairee Mountains are crowned, like those of the Lebanon and of Syria, with the monuments of saints; pilgrimages are made to the tomb of the brother of Ali; Khadi il Akhdar, the "Green Green," who repeated the miracle of Aaron's rod, has honor like that of Aaron; and the greatest of all the prophets is Abdallah ibn Saba, who maintained the divinity of Ali in his lifetime. All the relations of the Lord Ali are to be duly honored; — his mother, Fatimeh, whose name must be shortened to a masculine termination; his four brothers, the "supports of the house"; his children, sons, and daughters; and all who have been signally active in establishing the true faith. Some of their prophets are personages of the Old Testament, and in the neighborhood of Ladikieh are the shrines of the prophets Reuben and Jonah. Few religious systems are richer in subordinate members of the hierarchy, and few are more fully detailed in numerical exactness. The Pythagorean mythology could not be more rigid in its arrangement of numbers.

The doctrine of creation is less full and elaborate. The present world, in the Ansairee cosmogony, is the sixth in order, five orders of intelligent beings having existed before man. On the characteristics of these races the Catechism is entirely silent, giving only the fact of their existence. Of actual worlds the Catechism affirms that there are "many," but specifies only two as within human knowledge. These are the heavenly world, or World of Light, and the "Little" world, or Earth. Light is to all the people a sacred thing, and the great luminaries of the sky, the sun and moon, are held in the highest honor. The sun and moon are not, indeed, theoretically worshipped. Yet one sect of the people turn their faces toward the sun when they pray, while another pay similar honor to the moon. The Kumreeh, or "Mooners," say that the moon is the face of Ali, while the sun is the face of Mohammed. This superstition of the Ansaireeh is evidently derived from the astronomical worship of the Magian and the Hindoo mythologies. It might be mentioned, as an instance of unconscious borrowing, that the mystic initials of a popular American party in these last years are the same as those adopted by the Ansaireeh to hide one of their high mysteries. Between the letters K and N they concealed the secret of Light, the secret of God.

The most important doctrine concerning man which the Ansaireeh hold is that of metempsychosis. It is at once the boast and the reproach of their theology. They hold it to be necessary that the soul should pass through many bodies or forms before it enters its final state. The form need not always be human. Some souls are condemned to inhabit the bodies of unclean animals; and it is a common saying among the Ansaireeh when the jackals are crying at evening, "Those are the souls of Mussulmans calling to prayer; for the souls of Mussulmans pass into jackals." The number of transmigrations varies. According to Ish-Sharestanee there are four degrees, which severally bear the names of Faskh, Naskh, Maskh, and Raskh. This is evidently but a slightly varied statement of the five degrees of suffering existence through which, according to Niebuhr, the souls of infidels must pass, before they finally become sheep, the degrees

of Fesgh, Nesgh, Mesgh, Wesgh, and Resgh. According to another authority the number of transmigrations is seventy. Good men and sheikhs are privileged in the abridgment of the number of necessary changes of soul; but the wicked and they who reveal the secrets of the Ansairee religion will be forced to "walk in low envelopes," changing perpetually through "*kaur and daur*," which seems to be the Ansairee equivalent for *secula seculorum*. The term used for body of all kinds is that of "kamees," shirt or envelope. Many transmigrations are regarded as a dreadful penalty, and the devout believer prays for deliverance from "Radd and Takrar," or many changes of spiritual condition.

While the souls of infidels become sheep and jackals, the souls of believers, after successive transformations, become stars in heaven, being thus assimilated to that centre of light from which all souls first came. The Ansairee theology does not tell us if individual consciousness is preserved through these successive states, or if the soul in one form carries with it the memory of existence under previous forms. Mr. Lyde mentions, nevertheless, several cases in which such memory of former states was claimed. A curious reason is given why so many forget their previous condition, namely, that they are plunged up to their necks in the Jordan. We have nowhere before noticed the identity of the sacred river with the classic Lethe. The Ansaireeh speak of the resurrection and the day of judgment; but these terms, as they use them, have only an allegorical meaning. Their heavens and hells are by no means the habitations which Swedenborg has so patiently described.

There seems to be nothing in the Ansairee books concerning the origin of evil, the fall of man, or the scheme of redemption. The only kinds of sin which they recognize are special and ritual sins, and they spend no force upon the questions which most other systems examine. They have not even a positive canon of Scripture. They are eclectic and catholic in their recognition of sacred books, receiving the Old Testament and the New, the Psalms and the Koran, with apocryphal additions enough to swell the number to one hundred and fourteen books. They have no book of their own that corresponds

to the Koran in Moslem use or the Bible in Christian use. Their book of the Fetwas, or Decisions of the Doctors, is known only by its title, and is probably not to be compared in relative importance with the Jewish Talmud.

In its ethics and ritual the Ansairee religion has more resemblance to Christianity than in its theology. The eighty-fourth question in the Catechism contains a short summary of duties. The believer who will receive the secret of God, which is the end of all religion as it is the object of all desire, must "assist his brethren with all his means; must give them the fifth part of his goods; must pray at the appointed hours; must fulfil his obligations; must give to all their dues; must obey his Lord, invoke him, thank him, often pronounce his name, in all points submit himself to his will, and keep himself from everything that may displease him." According to the next question, the second thing which the believer must avoid, is "injury to his brethren." These answers certainly are not very unlike those which Jesus gave to the young ruler; and they might be rendered, that love to God and love to brethren are the two great Ansairee commandments. All that the duty of love to God implies is comprehended in the Ansairee injunction to prayer. The prayers of this people are not so much petitions for personal favors, as they are ascriptions of honor and glory to God, and repetitions of his manifold offices and dignities. The worship is the utterance of the creed. The prayers are set and formal, both in the language to be used and in the time appointed for them. The Ansaireeh pray three times in the day, before sunrise, at noon, and again before sunset. The morning prayer is the most important. They do not require any consecrated house, but pray in the open air, singly or in companies. The number of prostrations, according to rule, is fifty-one; but they are careless of these, and in ordinary prayer make no prostrations. They will not pray in the presence of a Christian, and if a Christian accidentally witnesses their devotion, it becomes void. For their special religious services and their secret rites, the most important of which is the consecration of the sacred wine, they use the houses of the sheikhs and the *zeyâreh*, or "visiting-places." This consecration of the wine is the chief element in

the Ansairee Mass. The offering of bread (Kurbân) is provided for in the Catechism; but the sacred wine is of higher account, and is given to all true believers. Only males are initiated; but among the Ansaireeh, unlike the custom of the Druses, all males are initiated. Circumcision is the necessary preliminary to initiation. The most perfect secrecy is observed in their ritual, and the details of the service of the Mass which Mr. Lyde is enabled to give are very fragmentary.

The only sacred houses of the Ansaireeh are the zeyârehs, or "visiting-places." These are rather shrines than churches, and are comparatively few in number. They are not, like the Druse Hâlwehs, placed in the villages, but are usually somewhat apart, on the summits of the hills or in the recesses of the groves. The building is in shape that of the common sheikh's tomb, as it is seen in Southern Syria, and in fact almost always bears the name of some saint or prophet. It consists of one or more square rooms, lighted by a single door, and capped by a low whitewashed dome. In a house hard by usually lives the sheikh attendant upon the zeyâreh, whose business it is to receive and entertain the pilgrims that visit the shrine, and to make ready the meetings and feasts which are held there. The principal zeyârehs in the Ansairee Mountains are the tombs of the prophets Jonah and Reuben, of the Sultan Djaaffar Zayyâr, of Ahmed Kirfâs, the freezer of roads, and the cave of the Virgin Mary. There are also shrines to the native Christians; and, in fact, the traditional saints, as well as the shrines, of Syria seem to belong to all sects alike. These zeyârehs are held in the greatest reverence. They are places of refuge to the fugitive. Merchandise placed in them is as safe as are goods in the mosques of Stamboul. They are perfumed with the smoke of incense; and an oath taken in their name is as binding as the Jew's oath by the Temple or the Holy City. The name of God is less regarded than the name of one of these holy places.

The chief feasts celebrated by the Ansaireeh in their "visiting-places" are the Kuzelleh and the Nurooz, the first borrowed from the Christians, the second from the Persians. The Kuzelleh is the New Year's festival, and is kept on the day which the Eastern reckoning retains for New Year's day. At

intervals during the previous month there are days and nights of feasting, when the people light fires on the hill-tops, eat sweet-cakes, and sprinkle the door-posts with the blood of fowls. On the day before the festival they kill their "unlawful" sacrifice, which means any animal that they can conveniently steal for the occasion. The "lawful" sacrifice is killed on the eve of the feast, and when no large animal can be procured a kid is slaughtered. Before they eat of this, their clothes must be washed and their persons duly purified. Their ceremonies on the day are somewhat like those of New Year's day in New York; they visit each other's houses, singly and in parties, dress in their best suits, and treat their friends to cakes and arrack. The prayers in the zeyâreh are at the break of day, and all classes go in together, the women and children with the men, this being a feast for all the people, and not, like the Nurooz, for the initiated only. The Kuzelleh is followed, after an interval of six days, by the Yetâs, or feast of immersion, when all classes go to the fountains or the rivers to bathe together.

The Nurooz is a more strictly religious festival, and is considered in the questions of the Ansairee Catechism, where no notice is taken of the Kuzelleh. The time of its celebration is the 4th of April, according to the Eastern reckoning, which, it being on the first day of the Persian year, gave to it its name of the "New Day." On this day the initiated meet in the zeyârehs to drink the sacred wine, and to repeat together the prayers prescribed in the Catechism. Accompanying this religious meeting is a feast at the sheikh's house, at which the Kumreeh sect allow persons not of their communion to be present, and even the women to partake of the food. Other festivals, borrowed some from the Persians and some from the Moslems, are kept by the Ansaireeh; but they have no day which corresponds to the Christian Easter, and no season of fasting which resembles the Christian Lent, or the Ramadân of Islam. They know and honor the birthday of Christ, but they do not make it an occasion of special worship or of public rejoicing.

The costume adopted by the Ansaireeh on the occasion of their solemn meetings is not altogether according to the West-

ern idea of convenience or decency. They wear their shirts over their drawers, turn down the heels of their shoes, and leave their arms at home. According to the "sermon" of which Mr. Lyde gives a translation, the decorum of the sacred house prohibits black handkerchiefs, blue turbans, long robes without slits, long moustaches, combing the beard with the hand, cracking the fingers, raising the eyes too high, and raising the voice too loudly. The true Ansairee worshipper will be equally careful not to have a dirty shirt, and not to speak louder than the presiding Imâm. He is to go to the meeting with the intention of prayer, and not of trade or self-indulgence.

The process of learning the Ansairee prayers is not very easy or comfortable. The boys are not early trained to this duty, like Moslem and Christian boys, but are prohibited from witnessing the rites, for which, nevertheless, they must be duly prepared. The weeks previous to the time of initiation are spent in forcing the youth, by dint of cramming and cuffing, to learn the prayers which he will be expected to repeat. The young disciple's private tutor, who has the name of "Uncle," spends thirty days or more in getting his pupil ready for the ordeal. Properly speaking, initiation ought to come before marriage; but in some cases the candidate has a wife to interfere with his preparation, which must be kept quite secret from the knowledge or scrutiny of any woman.

No writer has yet been able to tell with confidence the whole secret of the Ansairee initiation, how many sponsors there are, whether two or ten, what symbols are used, what oaths administered, or what privileges acquired. That the sect is a fraternity, having in its signs and passwords some resemblance to the secret orders of Christendom, there can be no doubt; but from the hints which the books supply, we may infer that their cabalistic signs and methods are much less elaborate than those of the Freemasons or the religious orders. They are bound to silence by terrible threats, and the efforts of other sects to extort from them their secrets have thus far quite failed. To the eighty-sixth question of the Catechism, which asks, "Is the believer allowed to make known to any one the secret of secrets?" the answer is moderate, but de-

cided, — "Only to those of his religion, else he will lose the favor of God." According to Mr. Lyde's manuscript, the new disciple swears, "Wallah and Billah, and three oaths by God and seven oaths by God and eighty oaths by God, forty standing and forty sitting; I have confidence in God, and what you commit to me of the secret of God I will not sell it, nor divulge it, nor command its being written for those who have no right to it, neither in your lifetime nor after your death; neither in a state of covetousness, nor in a state of acceptance, nor in a state of hardship."

The term "Sheikh" is applied by the Ansaireeh to their religious teachers, who have charge, not only of instruction, but of all the offices usually intrusted to a sacred class. The dignity is properly hereditary, yet any one who knows how to read and write may become a sheikh. The dress of the class is a white turban, white shirt, waistcoat, and wide trousers, with high red boots and a red girdle. They go without arms, are particular in their diet, eating no food prepared by Christians, or bought with money wrongly obtained, and subsist mainly on the gifts of the people, who hold them in great reverence. They profess to tell fortunes, to read the signs of the zodiac, to exorcise demons, to prepare amulets, and to detect crimes by second-sight. All matters of dispute are referred to their arbitration. They change names, preside in the administration of justice, ratify marriage contracts, and take charge of funeral processions. Sometimes the same individuals have both sacred and secular authority, but in most instances the ruler of the tribe and its religious leader are different persons.

Mr. Lyde, as we before said, emphatically denies the charge which has been brought against the Ansaireeh, that licentiousness is a part of their religion. Low as is the standard of their morality, he holds that in the relation of the sexes they are as pure as any Oriental people, and more so than most of the Syrian tribes. Every man, with the exception of some of the sheikhs, is compelled by public opinion to marry, and those who have the means may multiply their wives to the number of four, though few, even in good condition, have more than two or three. The price of the wife is paid by the bridegroom, partly to the bride's father and partly to the sheikh

who arranges the contract. A small portion of this is given to the girl as a wedding present, and she receives also some articles of dress and bedding. The marriage ceremonies resemble those of the tribes of Southern Syria, in the prolonged feastings, the mock contests, the noisy discharges of fire-arms, the piping, dancing, and numerous ablutions. Divorce is as easy as in Indiana, but is not frequent, nor honorable where the wife is also a mother. Marriages usually take place at an early age, and large families are esteemed a blessing.

The Ansairee funerals are attended with some peculiar ceremonies. Incense is burned in the house and upon the tomb; the singing at the grave ends with the discharge of musketry; and for a week afterward all the outward tokens of mourning are paraded. The principal sign of mourning is unwashed raiment. There are no hired mourners, and no official mourner but the sheikh. The tombs are hung and garlanded with myrtle, which to the Ansaireeh, as to the Moslems, is the sacred and favorite plant.

Nothing is said in the Catechism about clean or unclean food, and in most particulars the Ansaireeh follow in their prohibitions of food the Moslem custom. They add, however, to this a few items, refusing all flesh of animals not properly killed, everything burned, all fish without scales, such as eels, all flesh of imperfect animals, and all blood. They are unwilling to use the camel and the rabbit for food; and to the Shemseeh the use of tobacco is unlawful, and the sheikhs never indulge in it. This abstinence from smoking seems to discredit one of the epithets applied to the sacred teachers in the "Manual for Sheikhs," — "children of the chimneys."

The details which we have given are in substance the information which Mr. Lyde's work furnishes concerning the rude and decaying race that has possessed for ages the mountain region of Northern Syria. If these details are not very valuable, they constitute at least a contribution to ethnography, and may stimulate a curiosity which shall investigate more fully. It is probable that at no distant day this region will be opened to the influences of Western civilization, and more important discoveries may be expected concerning the origin and the religion of this Ansairee people. Their constant de-

crease in number and steady lapse into comparative barbarism, the ruin of their towns and the loss of their national unity, seem to portend their sure extinction. The labors of the missionaries may yet prevail to save a few souls before the nation disappears.

We cannot forbear quoting from their manual of devotion the following passage, which, utterly alien from the notions and the practice of the people, might seem a commentary on the words of the Saviour of men.

"Know, O brethren, that God has ordained to his servants, the true believers, in the times of prayer, purity of intention and right deeds, and the cleansing of the heart, and mutual friendship, and your forgiving one another; and if there is any enmity or hatred between any one and his brother in respect of worldly matters, he must forgive him. And you must make your love to one another pure, O brethren, and seek pardon and forgiveness, according to the saying of our Lord il Aalim (Mohammed il Bahir), (from him is peace): — 'A believer does not become such really until he desires for his brother what he desires for himself, and dislikes in his case what he would dislike for himself.' Know, too, my brethren, that your brother, the master of this sitting, has assembled you only for prayers and to ascribe unity to God (may he be exalted and glorified!) . . . . . At the times of prayer it is not permitted to any one to have in his heart any matter which has not reference to God; but all the members must be employed only in the remembrance of God (may he be praised and exalted!). Make, then, your intentions pure, till the intention shall be but as one intention. And know, O brethren, that you have put me forward to pray for you, who am the meanest and most despicable, the poorest and least among you; and I have no power to be your Imâm; but, as a slave and the least of servants, I serve you in lowliness and meanness, without lordship or self-exaltation."

Such words indicate a nearer or remoter source utterly alien from a false teacher or a false religion.

ART. IV. — 1. *Annales de l'Observatoire Impérial de Paris.* Publiées par U. J. LE VERRIER, Directeur de l'Observatoire. Paris. 1854–59. 5 vols.

2. *Auseinandersetzung einer zweckmässigen Methode zur Berechnung der absoluten Störungen der kleinen Planeten.* Von P. A. HANSEN. Leipsic. 1856–1859.

3. *The Astronomical Journal.* Edited by B. A. GOULD, Ph. D. Vols. I. to VI. Cambridge. 1849–61.

4. *Tables of the Moon.* Arranged in a Form designed by PROFESSOR BENJAMIN PEIRCE, under the Superintendence of CHARLES HENRY DAVIS, Lieut. United States Navy. Washington. 1853.

5. *Tables de la Lune construites d'après a la Théorie Newtonienne de la Gravitation Universelle.* Par P. A. HANSEN. London. 1857.

We bring these works together as illustrative of modern theoretical astronomy. Were Hipparchus or Ptolemy to rise from the dead, and turn over their pages, he would fail to perceive any indications, other than the occasional name of a planet or a star, that the works treated of the science in the pursuit of which he spent his life. Could he observe the men who wrote them engaged in their scientific avocations, astronomy would be the last branch of knowledge to the cultivation of which he would assign them. So complete a revolution has been wrought in this science by the reduction of all the important celestial phenomena to exact mathematical laws, that a man may rise to the highest eminence as an astronomer without being able to tell one star from another, and without thinking of the heavens otherwise than as they are contained in his mathematical formulæ. In order that we may clearly understand the relation in which purely theoretical astronomy stands to other branches of the general science, let us take a brief view of the different classes of operations in the construction of a perfect inductive science. These may be enumerated as follows.

1. The collection of facts derived from experience. These will form an exact history of the phenomena relating to the science, and have indeed been included by Bacon in the general

term Natural History. The natural history of astronomy consists of observations of the positions and aspects of the heavenly bodies.

2. The inference, by collation of and induction from the facts of natural history, of general laws, and the construction of hypotheses respecting the causes of phenomena. Lord Bacon has given a body of rules for determining systems of empirical relations among phenomena. But these alone are not sufficient for all the purposes of science. It may be advantageous to know, in addition, the mechanism by which such relations are established, or, in other words, the proximate causes of those relations. An exact analysis of the distinction between phenomenal laws and their causes is not within the scope of the present paper, and we shall only remark, that the theory of gravitation properly comes under the former class, since it does not assign any cause for celestial phenomena, but only reduces them to an empirical law.

3. The next process is one of *deduction*. Starting from the general principles which have been inferred or guessed at, in the operation of induction, we determine by rigorous reasoning the consequences which flow from them, and thus attempt the prediction of as great a variety as possible of unknown phenomena. The deduction must be made, if possible, by mathematical reasoning, in order that the results may be given in *quantity* as well as in kind. Modern science is not satisfied with general statements respecting the kind of result; it also demands, How much? And before an hypothesis can be received, its results must agree in quantity as well as quality with those derived from experience.

4. Finally, the consequences which the mathematician or other deductive reasoner has found to flow from the hypothetical principles are compared with observations, and their agreement or disagreement noted. If the agreement is perfect within the unavoidable errors of observation, the hypothesis may be regarded as an established theory; if not, it must be modified or rejected. In the former case, the theory will form the basis of the whole or part of an exact science, and we may then be able to predict phenomena with as much certainty and accuracy as we can observe them.

It is principally to the deductive branch of astronomy that we propose to call attention in the present article. It is developed by Le Verrier in the *Annales* and by Hansen in the *Auseinandersetzung*, in the most nearly perfect form to which human ingenuity has yet succeeded in bringing it. Consisting as it does almost entirely in carrying out the results of the law of gravitation, it might almost be considered a branch of pure mathematics. The problem may be expressed as follows. A certain number of bodies, one of which is very much larger than all the rest, start from given positions, with given velocities, and in given directions, and are then left to their mutual attraction, each being supposed to attract all the others according to the law of gravitation: — to find general rules for calculating their motions during all time. The solution of this problem may be regarded as one of the greatest triumphs of the human intellect. Nothing can be conceived of more hopeless than an unaided attempt to solve it on the part of any one man, even of the highest genius. He might pass from his cradle to his grave in constant efforts toward this end, without seeing himself any nearer a solution than when he started. Patience and perseverance may, indeed, remove a mountain of sand; but the task we have supposed would be like the removal of a mountain of solid rock, which, when raised at all, must be raised by a single effort. It was not till nineteen centuries after Apollonius discovered the properties of the conic sections, and four centuries after the revival of letters in Europe, that the mind of man succeeded in inventing an instrument by the aid of which it could grapple with the problem. Simultaneously with the invention of the calculus came the discovery of gravitation; and even then, with the problem and the instrument for its solution clearly before them, three generations of mathematicians were required to complete the outline of the solution. The method was finally developed, with as much rigor as the problem admitted, by Lagrange and Laplace, in the latter part of the last century. It is explained with much detail, and with great rigor and accuracy, in the first and second volumes of the *Annales de l'Observatoire*, in such a way as not to require in the reader a more extended knowledge of mathematics than may be obtained from college text-books published in this country.

The solution thus presented is general; that is, all the perturbations in the motions of planets are expressed algebraically, and all the quantities that differ in different planets are expressed, not by separate numbers for each planet, but by algebraic letters which include them all. By substituting for these letters the numbers which relate to any particular planet, we ascertain the perturbations of that planet. Unfortunately, however, the possibility of this solution depends on two assumptions, — first, that the planetary orbits are nearly circular, and, secondly, that they are nearly in the same plane. Both these assumptions hold good as to the larger planets and their satellites. But the present century has witnessed the discovery of that immense group of "asteroids," most of which are extremely eccentric, and wander beyond the limits of the zodiac. Here the general solution is no longer practicable by any method yet discovered, and we are obliged to confine ourselves to an arithmetical solution for each asteroid separately. To develop the most improved and exact way of doing this is the object of Hansen in the *Auseinandersetzung*.

It is a little remarkable, that, if we take a geometrical view of the mathematical formulæ which give the position of a planet, we shall find them to represent systems of epicycles analogous to those of Hipparchus and the Greek philosophers. It will be remembered that these early speculators represented the motions of the planets by the conception of a movable circle rolling on the circumference of one that was fixed. A point on the circumference of the moving circle represented, approximately, the motion of a planet. The modern mathematician

> "Girds the sphere
> With centric and eccentric scribbled o'er
> Cycle and epicycle, orb in orb,"

to a degree of which the ancients never dreamed. He constructs a system of moving circles and ellipses, of which the number is theoretically infinite. The centre of a large circle coincides with that of the sun, while its circumference is at a distance equal to the mean distance of the planet. Around this circumference moves the centre of a small ellipse; around the perimeter of the latter revolves the centre of a second ellipse, still smaller; and so on to any extent. From fifty to two hun-

dred ellipses are practically sufficient, as all beyond are so small as to be inappreciable. The planet is supposed to move around the perimeter of the last ellipse.

It is impossible, by any known mathematical methods, to reduce the solution to a more simple form. So complex a motion might at first sight seem incompatible with the simplicity which characterizes the laws of nature in general, and that of gravitation in particular. But it must be remembered that this simplicity pertains to the *causes*, not the effects. A few of the most simple causes may, by their numerous successive combinations with the various conditions under which they operate, produce the most complex effects. A child can comprehend Boscovisch's atomic theory of matter; no mortal mathematician can trace its consequences, else it is quite possible that chemistry would cease to be an experimental science.

One effect of the perfection of theoretical astronomy has been to render the ancient observations of the positions of the planets nearly valueless. In order that the testimony of an observer may be of any value, he must be able to tell us what he saw with more exactness than we can determine it ourselves. But with respect to most of the ancient observations respecting time and position, — the two great astronomical elements, — a mathematician of the nineteenth century can tell what the observers saw better than they could tell themselves. Of a phenomenon of which they can give only the hour, he can determine the minute. Owing to uncertainties respecting the changes in the orbit of the moon, solar eclipses still furnish an exception to this rule; but there is little doubt that, after another century, we shall be able to say of the astronomer,

> "Past, present, future, to his sight
> At once their wondrous scenes display,"

as well with respect to eclipses as to other celestial phenomena.

One of the most interesting questions which has arisen from the investigations of modern science in the general laws of nature, is that of the stability of our universe as at present constituted. Is this system fitted to run on forever, in accordance with its present laws, or will these laws,

in the end, lead to its subversion? The conclusion was reached by Laplace, and has been confirmed by subsequent investigators, that, so far as the force of gravitation alone is concerned, the system is stable. Every change which the attraction of one planet produces in the orbit of another will finally induce its own compensation, and bring the system back to its original state. But the discoveries of the present century respecting the correlation of the different forces of nature, the conservation of force in general, the nature of the solar light and heat, and the motions of the comets, seem to indicate that gravitation is by no means the only force by which the motions of the heavenly bodies are influenced, and that causes which slowly, but surely, undermine the system are in operation; — that the latter is not, therefore, a self-winding clock, which may run forever, but that it must ultimately lose all motion, unless some power, capable of controlling the laws of material nature, shall interfere to preserve it. We shall give some examples of these destructive forces.

In the first place, the sun is radiating heat into space in quantities incomparably greater than it receives. If it were not so, we should receive, on the average, as much heat from every other quarter of the heavens as from the sun, and no vicissitudes of temperature could ever occur on the earth. From what we know of the nature of heat, it is impossible that the supply contained in the sun should be absolutely infinite. The sun must, therefore, as centuries advance, grow cooler and cooler, until its heat is entirely lost. This will be followed by the cooling of the earth, and thus all life on our planet must cease, or the conditions of its existence must be completely changed. It may be asked, Is it certain that the heat of the sun is not returned to it in some other form? It is, of course, impossible to give any absolute and direct proof that the sun does not receive heat, or its equivalent, from some unknown source; but it is certain that we can trace the operation of no natural law which would tend to return heat to the sun, and that the existence of any such operation seems improbable. It has been suggested, that the sun may be supplied with fuel by comets or other bodies falling into it. But there are two objections to this hypoth-

esis, either of which would be fatal. In the first place, a supply of some supporter of combustion, such as oxygen, is as necessary as is a supply of combustible matter. In the next place, it is impossible that combustible material should fall into the sun in sufficient quantities to keep up its supply of heat; for a mass of bituminous coal of the size of our globe, would, by its combustion, supply the sun for about thirty days, and the largest comet would not furnish it with fuel for an hour. The mechanical force with which a body as heavy as our globe would fall into the sun from an infinite distance would, if converted into heat, supply a quantity of this agent sufficient to last the sun only about sixty years. If, then, the heat of the sun is kept up at all, it must be by means of some invisible influence, inscrutable to mortals; a supposition which we may well reject, in view of the fact that we have no more reason to suppose that the Deity intended the sun to be eternal, than that he intended the earthly life of man to be so.

Another element of destruction probably exists in the form of a very rare resisting medium. It is true that the existence of such a medium is not yet demonstrated with certainty, yet we have some evidence in its favor. There is no reason, *a priori*, why we should suppose the planetary spaces to be perfectly void; on the contrary, the general analogies of nature would lead us to suppose that they still contain something material. Now there are two classes of phenomena which point to the existence of an ether, filling all space, and possessing the property of inertia. These are as follows.

1. The phenomena of light and heat. These seem to be due to a vibratory or oscillatory motion among the molecules of an ethereal medium. By the heat-vibrations force may be communicated from one body to another distant body having no material connection with it; it is therefore concluded that the ether is possessed of the property of inertia. In our ignorance of the exact nature of its motion, and the amplitude of its vibrations or oscillations, we have not sufficient data for determining the density of the hypothetical medium. But this density, however small, must be appreciable, and therefore retard the motions of all bodies moving through it.

2. The observations of Encke's comet made during the last thirty or forty years show that its motion is continually undergoing acceleration * from some cause, and that, if this continues, it will in a few centuries fall into the sun. This comet, being a small nebulous mass of excessive tenuity, is precisely the object which would be most affected by a resisting medium, and Encke attributes its acceleration to this cause. His view is controverted by other astronomers, some of whom attribute the anomalies of the comet to the repellent action of the sun in driving off the comet's tail, — a subject to which we shall presently revert. In view of these controverted points, it will be hardly fair to consider it certain that the motions of the planets will ever be affected by the ether, especially as it is possible that, even if the ether exists, it may not affect their motions.

Yet another cause, slowly producing an entire change in our earth, is found in the mutual action of the moon and the tide-wave. As the latter glides over the oceans, and rushes into the numerous indentations of the coast, the motions which it produces in the waters necessarily involve an expenditure of power, or *vis viva*, in overcoming the effects of friction. The *vis viva* thus expended must be drawn from the set of machinery which produces the motions, that is, from the motion of revolution of the moon and the motion of rotation of the earth. It cannot be returned to this machinery, because all that is not spent in triturating the sand or other material which forms the bed of the ocean is turned into heat and radiated off into space. Its loss will manifest itself in exactly the same way in which a resisting medium would take effect; that is, the motion of revolution of the moon will be accelerated, and the rotation of the earth retarded, till the day and the lunar month become equal.

The action of such a cause is traceable in the rotation of the moon on its axis. It is well known that our satellite has always, since the earliest records of its appearance, presented

* It may appear paradoxical that a resisting medium should cause the motion of a body moving through it to be accelerated. It produces this effect indirectly. If the medium retards the body by the smallest amount, the latter will fall slightly toward the centre of attraction, and the increase of velocity caused by this fall will more than compensate for the retardation which produced it.

the same face to the earth. It is in the highest degree improbable that its rotary motion was in the beginning exactly adjusted so as to produce this effect. But if the moon were liquid, or covered by a liquid, the immense tides produced by the earth would in time produce the effect which we now see. The hypothesis that the equality in the times of revolution and of rotation of the moon is to be attributed to this cause, derives additional strength from the fact that the satellites of Jupiter seem to follow the same law. This equality, once established, will continue forever. In consequence of the acceleration of the moon's motion and the consequent diminution of the lunar month, she will in a few thousand years be half a month ahead of the place in which she would be if her month were to remain constant, and will therefore be on the opposite side of the earth. If her time of rotation remained constant during that period, the side which is now hidden would then be presented toward the earth, so that our posterity of two hundred centuries hence would have an opportunity of unveiling its mysteries. But analysis has answered the question for them, and demonstrated to us that the hemisphere of our satellite which is now turned from the earth will so remain, hidden from mortal eyes, to eternity. Poets then may let the imagination run unlicensed over its scenes of ineffable beauty, and people it with giants or genii of any order of magnitude or intelligence, walking through Elysian Fields of boundless extent; or they may make it into Tartarean depths, compared with which the fiery gulf in which Satan and Beelzebub rolled with their "horrid crew" will sink into insignificance, without the slightest apprehension that the most remote posterity will ever see anything inconsistent with their descriptions.

Viewing the system of the world, then, with the aid of all the light that can be thrown on it by science and by philosophy, selecting the most probable causes for those phenomena of nature which we cannot deduce from the known general laws of the universe, and tracing these and all known causes to their most remote and latent effects, — making at every step all due allowance for our ignorance, and giving proper weight to every sound philosophical principle which bears on either side, — there seems to be a decided preponderance of

evidence in favor of the doctrine that this system is not entirely self-sustaining and self-compensating, but is subject to actions which must lead to its ultimate subversion. We may compare the counter effects of the sustaining and destroying processes to the chemical and physiological actions which are at play during the life of an animal. On a first examination of the latter, with respect to the chemical actions involved in it, we should find it composed of materials subject to speedy decomposition, — wasting from every pore, liable to a thousand accidents which would insure its speedy dissolution, and to all outward appearance destined, under the most favorable circumstances, to live but a few hours. A more extended examination into the laws and conditions of its existence, into the operations of those organs whose office it is to repair the waste by the admission, digestion, and assimilation of food, and into the means of counteracting the effects of all destructive chemical and mechanical action to which the animal would ordinarily be subjected, would seem to show that these objects were perfectly fulfilled, so that every day might find the animal in exactly the same bodily state in which it was left on the day previous. As far as physiology could determine, the animal might continue to exist forever. Yet, if we were able to perceive the intimate mechanism by which the operations of repair were effected, and not its correlations with the causes of decay, and could trace the manner in which each new particle replaced the previous one, we should find certain imperfections in the operations. We should find that every successive cell, by a necessary law of the organism, was in some way different from the previous one; and although the progressive changes thus produced in the organism might at first sight seem insignificant, a careful examination would show that they would necessarily, at some future time, lead to the dissolution of the animal.

So with the cosmos, the first thought of a system of bodies moving among one another in every direction, and entirely given up to their mutual attractions, would lead us to apprehend that by virtue of this attraction they must speedily fall into one another, and form themselves into a single mass. But a careful examination, by mathematical analysis, of the combined effects of the destructive force of gravitation and

of the motions with which the bodies were originally endowed, shows that these are so combined that under their influence alone the system might continue to eternity. But, as we have already shown, when we extend our investigations beyond the law of gravitation which regulates the great and salient phenomena of the universe, to the less obtrusive mechanisms discovered by a more minute examination of the lesser phenomena, we find little leaks of power, which, unless counteracted in some way not yet discovered, must ultimately lead to subversion.

Another cosmical question which theoretical considerations have greatly aided us in limiting is that of the infinite extent of our system of stars. To the reflective astronomer, as he sounds depth after depth of starry systems, to all appearance bottomless, no subject of speculation would appear more attractive. As in all other questions which we are not able to solve by direct experiment, we must begin by asking what consequences would follow from the affirmative and the negative of the question respectively. Starting from the hypothesis that infinite space was scattered with stars, mathematicians had no difficulty in proving that, unless the light were absorbed in its passage through space, the whole celestial vault would be one blaze of light, brilliant as the noonday sun, on which the moon and planets would appear as dark patches. It was therefore concluded by Chéseaux and Olbers, that the celestial spaces probably contained some ether which possessed the power of absorbing light. This theory was subjected to a test by Struve, in his work entitled *Etudes d'Astronomie Stellaire*, in the following manner. If the stars are equably distributed through space, and are of equal absolute brilliancy, the number of stars of each magnitude would be at least four times as great as that of the next larger magnitude, supposing that no light were lost. An extinction of light would lessen the proportionate number of small stars. Now, this is precisely what is found to be the case; whence it is concluded, either that the stars are more numerous in the neighborhood of our system, or that light is absorbed. Considering the former horn of the dilemma very improbable, Struve adopts the latter, though it cannot yet be considered as an established theory.

One object of Struve's investigation was to show that the idea of an infinite universe was not incompatible with the appearance of the heavens. But this is not the only difficulty to which the hypothesis of such an infinite universe as we have supposed would lead. Unless heat as well as light is absorbed, we should experience a temperature compared with which that of a reverberatory furnace would be as the frozen pole. The principal difficulty, however, would be that resulting from the attraction of the infinite mass of stars. The attractions of the different parts of such a mass could not counterbalance themselves everywhere, and some systems would be exposed to an infinite attraction. True, it is difficult exactly to define what stars would come into this category. At first sight it might appear that, since each star is equally surrounded by an infinite series of other stars, each ought to be equally attracted in all directions. This conclusion would be correct, if the combined attractions of the more distant stars gradually diminished, so as to vanish at infinity. But, although the attractions of the separate bodies do diminish as we increase the distance, yet the entire number which will be contained in a spherical surface, at any given distance, will increase in the same proportion that the attraction will diminish, so that the combined attraction will not vary at all. Now, if we examine the reasoning on which the conclusion cited above is based, we shall find that it tacitly assumes that for every attracting mass of stars on one side of any star, taken at pleasure, there is an equal attracting mass on the other side to counterbalance it. We thus profess to compare two infinite magnitudes, and pronounce them absolutely equal. But two magnitudes can be pronounced absolutely equal only when certain relations exist between their boundaries. Now, by hypothesis, our magnitudes are infinite, therefore without bounds, and therefore without means of comparison, so that the whole reasoning is illusory. Moreover, it is mathematically demonstrable that, if the stars in any one position were in an equilibrium as to the opposing forces, this could be the case in no other position.

It must be understood that we have thus far spoken of the infinite system of stars as scattered indiscriminately, but with

a certain approach to uniformity, through space. But the hypothesis of an infinite increase does not necessarily involve this arrangement, or any of its attendant difficulties. We need only suppose, with Lambert and others, that the mode of formation which we see carried out in those portions of the universe visible to our eyes is continued to infinity, that out of a proper number of systems of a lower order systems of a higher order are formed, and that the separate systems are always placed at vast distances compared with the dimensions of the system. The lowest systems in this series are composed of a planet, with one or more satellites, the dimensions of which, astronomically speaking, are inconsiderable. The separate planets are formed into the solar system, being placed at distances of hundreds, or even thousands, of millions of miles. The fixed stars, which are supposed to be the centres of solar systems like our own, are placed at distances so great that the entire dimensions of our solar system are but a point in the comparison. There may be great numbers of other starry systems or milky-ways like ours formed into a system, a collection of these systems into another, and so on, without end. Of course we are now in the domain of pure speculation, as all systems of a higher order than those composed of individual stars must remain forever invisible to mortal eyes, and while man dwells on our planet he has no more means of becoming acquainted with their existence than he has of seeing the inhabitants of Neptune. The subject may therefore be dismissed with the remark, that the arrangement is not, so far as can be seen, carried out with perfect regularity. Other starry systems seem to merge insensibly into clusters forming part of our Milky-Way.

A few words with regard to late efforts to make "our refractory satellite" travel in the paths prescribed for her by algebraic formulæ. In speaking of the perfection to which Lagrange and Laplace brought the theory of the system of the world, an exception should be made of the theory of the moon's motion. Although Laplace found a number of observed inequalities to result from the law of gravitation, and materially lessened the discrepancies between theory and observation, there were yet some quantities the computation

of which he found so complicated that he concluded it to be entirely impracticable, and had recourse to observations to determine their value. Damoiseau seems to have been the first who attempted to construct tables of the moon founded entirely on the theory of gravitation. These were published in 1824; but, as they never displaced those of Burckhardt, published in 1812, they cannot be regarded as successful. The next laborer in this field was the celebrated Hansen of Gotha, of whom we have already spoken. In a work, published in 1838, entitled *Fundamenta nova Investigationis de Orbitæ veræ quam Luna perlustrat*, he gave a general method of computing the lunar inequalities from the theory of gravitation. From that time till 1857 he seems to have been principally occupied in the performance of the numerical computations which he had indicated in this work, with a view to the construction of a set of lunar tables which should excel all previous ones in fulness and accuracy. So long and intricate was this process, that, notwithstanding the patience which could devote nineteen years to such a task, Hansen would have found it impracticable but for the assistance of the British government. Through the influence of the Astronomer Royal, the Lords Commissioners of the Admiralty furnished Hansen, from time to time, with considerable sums for the employment of assistance, and when the work was finally completed, they undertook the entire expense of its publication, and liberally distributed copies throughout the world.

About the time that Hansen commenced the construction of his tables, Professor Airy undertook a somewhat different investigation, with the same end in view. This was nothing less than the reduction of all the lunar observations made at Greenwich from 1750 till 1830, and their comparison with the most approved theory, in order to discover what differences still existed between the theoretical and observed positions. The theory adopted was that of Plana, Hansen having not yet made the numerical application of his method. One of the principal results arrived at was, that an inequality which no astronomer had yet found to ensue from gravitation, and on the very existence of which doubts had been cast, did undoubtedly exist. Airy wrote to Hansen, requesting him to

make this inequality the subject of special investigation. This astronomer finally found that two inequalities, each having a period of about two hundred and forty years, would result from the attraction of Venus, and on calculating their amount, and correcting the theory of the moon to accord with them, the discrepancies which had for half a century bade defiance to all the efforts of the mathematician were found to disappear. The satellite was right, after all, as she had been found to be in former contests, and she now performs her monthly course in exact accordance with the theory of gravitation.

On the establishment of the American Nautical Almanac in 1849, one of the most important objects was the preparation of the Lunar Ephemeris. The reduction of the Greenwich observations, to which allusion has been made, was completed by Airy, and the results had just been given to the world. The discoveries of Hansen respecting the newly discovered inequalities were now at the command of the astronomer; but a painful doubt still existed respecting the time when his Tables of the Moon would be completed. All the large European Ephemerides still used the tables of Burckhardt, forty years old, and, though the best systematic set yet published, giving places of the moon so erroneous that their continued use has been lately pronounced a disgrace to science. Under these circumstances, it was determined to make a new set, based on Plana's theory, which had been used by Airy in computing the theoretical places of the moon for the purpose of comparison with observation, and adding such terms as were shown to be necessary by the theoretical investigations of Hansen and the comparisons of Airy with observation. The object which would thus be attained would be the prediction of places of the moon very nearly exact, rather than of those places as given by a single consistent theory. This diminishes their value in a purely scientific aspect, because, unless a set of tables is constructed on the last-mentioned principle, their comparison with observation can neither lead to any very definite result respecting the corrections to be made in the fundamental elements of the theory, nor throw any light on the question whether any unknown sources of disturbance affect the motion of the moon.

It does not appear that the American tables were expected, at the time of their construction, to continue sufficiently accurate for permanent use; but they have thus far passed well through some severe tests. They have furnished data for the prediction of solar eclipses, with unexampled precision. The average differences between the positions of the moon observed at Washington and Greenwich, and those given by the tables, during 1856, 1857, 1858, and 1860, are as follows: —

1856	3.5	1858	3.6
1857	2.8	1860	3.7

The absolute errors of the predicted places must, however, be less than this, because it is impossible to observe positions of the heavenly bodies with entire accuracy. The ephemeris computed from Hansen's tables for 1852 has been found to agree with observation about as well as that from the American tables in 1857, and therefore better than the American tables in other years. No complete comparisons of those tables with observations made in years subsequent to 1852 have yet been published; we have, therefore, no data for comparing the practical values of the two tables.

To give an idea of the absolute accuracy of these modern tables, and the fidelity with which they furnish positions of the moon, we may remark that the smallest round object visible to the unassisted eye subtends an angle of about a minute, and that two such objects will to an ordinary eye seem like a single object if their distance apart is less than three minutes. To the naked eye, the two stars ϵ *Lyræ** present the appearance of a single star somewhat elongated. Their distance apart is somewhat more than three and a half minutes. Yet this seemingly inappreciable space must be divided into sixty portions in order that each portion may be equal to the average difference between the real position of the moon and that predicted from theory. Notwithstanding the apparent slowness of the diurnal motion, the time of rising of the theoretical moon will very seldom differ half a second from that of the real one.

An example of the amount by which a planet must wander from its assigned orbit to produce a commotion in the astro-

nomical world, is furnished by those anomalies in the motion of Uranus which led to the discovery of Neptune. After being for thirty years a source of perplexity to astronomers, they were measured with such accuracy as to indicate to within a degree the direction of the planet producing them. Yet, if two stars visible to the naked eye had moved through the heavens during those thirty years, one keeping in the position of the actual Uranus, the other in that of the theoretical Uranus, the naked eye could at no time have perceived any indication that the two did not form a single star.

We have intimated that every anomaly of the moon seems at length to be satisfactorily accounted for by the theory of gravitation. But the last few years have given birth to a most singular mathematical controversy, which may reasonably justify a suspension of judgment on the point to which we have referred. Common consent would no doubt place mathematicians at the extremity of the scale of agreement directly opposite that assigned by the proverb to doctors. But common consent must revise its notion of the remorseless rigor of every step in every course of mathematical reasoning; for we now have the singular spectacle of half a dozen of the greatest of living mathematicians disputing for years on a point of pure mathematics. With the possible exception of an attack by Mr. Ivory, some forty years ago, on a proposition of Laplace respecting the attraction of spheroids, such a dispute is, we think, without a precedent in the history of mathematics. The puerile contest between the English and the Continental philosophers, in the days of Leibnitz, respecting the force of a moving body, was purely a question of terminology; and not worthy of comparison with the present, except as an example of the mental blindness, in one direction, of the greatest intellects of that age. It is well known that, since the earliest recorded observations, the moon has from century to century been gradually increasing its rate of motion. This acceleration has been traced by Laplace to the secular diminution of the eccentricity of the earth's orbit, from which we conclude that it has been going on for fifteen thousand years past, and will continue for twenty-four thousand years to come. Its amount was calculated by Laplace at about ten

seconds in a century. The calculations of subsequent astronomers gave values varying from 10″ to 12″, the differences proceeding from the different estimates of the fundamental data, such as the distance of the sun, and from the completeness with which the large number of very small terms were included in the final result. These values were found, on the whole, to agree as well as could be expected with certain ancient eclipses, observed at Babylon and elsewhere, of which a few crude observations have been handed down. Thus, up to 1854, the theoretical amount of this acceleration was considered as perfectly determined. But in the Philosophical Transactions for that year Mr. John C. Adams published a paper, contending that the solution of Laplace and his successors was erroneous, and giving a new computation of his own, in which he reduced the amount of acceleration to 6″. It was soon found that M. Delaunay, an eminent French astronomer, who had for many years been engaged on a new theory of the moon, brought out a result exactly agreeing with that of Adams, although his method of investigation was radically different both from that of Mr. Adams and from those of preceding astronomers. This might naturally be expected to settle the question in favor of the new determination. The fact that every step in a course of mathematical reasoning is a vigorous logical deduction, does not preclude all possibility of error, because even the mathematician may, in conducting a very complicated course of analysis, be guilty of some inadvertence involving a serious error, which may remain unnoticed for years. But it does lead us to suppose that, when the error is once pointed out, it will be recognized as an error by every one capable of fully comprehending the reasoning. Several such instances are found in the history of mathematics. In the present case, however, the arguments of Adams and Delaunay, instead of being assented to, were attacked on all sides. De Pontécoulant began by vigorously sustaining the old theory, and in the *Comptes Rendus* of the French Academy and the Monthly Notices of the Royal Astronomical Society poured into the ranks of the innovators a hot fire of mathematical formulæ, and profound distinctions between the different meanings of the term "mean motion."

But a careful recalculation of the acceleration led him to a result which differed from both the old and the new one, being about 8″. This value he vigorously supports. Plana seems to have vacillated considerably, and to have promised an extended memoir on the subject. This paper, so far as we are aware, has not yet appeared. Hansen professes to be entirely satisfied of the accuracy of the old theory, and the consequent inaccuracy of the new one. Le Verrier attacked his associate, M. Delaunay, in person, for his mendacity in bringing out a theoretical result which did not agree with observation. On the other hand, the attacking party has always answered "gun for gun"; and, so far as can be judged from an outside view, has rather the best of the argument. We are not aware that any reply has yet been made to Mr. Adams's paper in the Monthly Notices for May, 1860. So the discussion may, for the present, be regarded as dropped, if not settled.

It seems to be well established that the new theory is inconsistent with the observations of ancient eclipses, and if it should prove to be correct, we may be driven to the conclusion, that a portion of the acceleration proceeds from some other cause than the attraction of gravitation, or that the length of the day is actually increasing to an extent which has become perceptible, from the cause to which we have already referred. If, as centuries roll by, the day should gradually increase, the moon would move a little farther in the course of a day than if no such increase should take place. Since, in our calculations, we suppose the day constant, the apparent acceleration would be greater than the real, — precisely the effect observed. The difference can be entirely accounted for by supposing an increase of something less than one thousandth of a second per century in the length of the day, and a corresponding diminution in the lunar month.

It may be asked, Why have not a sufficient number of mathematicians entered on so singular and interesting a question to decide it in less than seven years? The answer may be found in the general fact that mathematical scholarship is not held in high esteem by mathematicians. The poet, the essayist, and the historian expect their works to be read both by those who are and those who are not themselves poets,

essayists, or historians. The mathematician who writes on such a subject as the theory of the moon cannot reasonably expect his work to be read either by those who are or those who are not mathematicians. The latter class have no taste for it, while the former, if they are able to read the work at all, will prefer making original investigations of their own to poring over those which have been made by others. In no other science is the maxim *Sordet cognita veritas* more fully acted on. A mathematician is estimated, not by what he knows, but by what he has added to the sum total of knowledge. It thus happens that, in a case like the present, although there may be fifty men capable of coming to an independent conclusion, if they would spend time and trouble to read up on the general subject, there are but four or five sufficiently familiar with it to enter into the discussion without much preparation.

We pass now to the consideration of a question which has excited considerable public interest in the course of the past two years. Is there any planet between the sun and Mercury? The history of such a supposed planet is fresh in the recollections of almost every one. Le Verrier announced certain secular changes in the eccentricity of the orbit of Mercury for which he could not account by the attractions of the known planets; he therefore suggested that they might be caused by the attraction of a ring of planets within the orbit of Mercury. He also recommended that observers should systematically note all minute spots on the surface of the sun, with a view of seeing whether they might not be planets in transit. Shortly after the publication of these remarks, in the latter part of 1859, Le Verrier received a letter from Dr. Lescarbault, a physician and amateur astronomer of Orgères (a village about sixty miles from Paris), stating that he had on the 26th of March previous seen an intramercurial planet cross the sun. He gave his observations with considerable particularity, and they were seized upon by Le Verrier as furnishing proof of the existence of the supposed planet. Hypothetical elements were computed from Lescarbault's observations, on the supposition that its path was a circle, and even a name was selected for it and proposed to the *Bureau des Longitudes*. Articles were

published in newspapers and magazines, in which the new planet was spoken of as if it had really been discovered, and as if its existence had been actually predicted by Le Verrier. The public were thus led to believe in its actual existence, and in another great triumph of celestial mechanics in the discovery of an unseen body.

How did astronomers view the matter? At first they were doubtless raised by the sudden wave of evidence into the belief that the supposed planet might actually exist. No reason is known why the series of planets should end at Mercury, and the work of raking up old observations similar to that of the village physician was vigorously prosecuted. Many cases were found in which persons in England and elsewhere had seen spots cross the sun's disk; but, unfortunately, in no case were the circumstances recorded with the detail necessary to furnish data for so testing the observation as to inspire confidence in it. It was soon seen, however, that the new planet was by no means large enough to produce any sensible effect on the orbit of Mercury; indeed, Le Verrier, in stating his original hypothesis, had supposed a group of planets, for the reason that, had there been but one, its magnitude and brilliancy would have been such that it could not have escaped discovery. The more numerous the planets, the more frequently they ought to cross the sun's disk, and thus the more singular it seems that no recognized astronomer should, within the last twenty years, have seen a single transit. Indeed, Lescarbault's planet alone must, according to Le Verrier's elements, cross the sun's disk, on an average, about once every eighteen months. Thirteen transits of that one planet, if it exists, must therefore have occurred within twenty years; and does it seem credible that, if this were so, they would all have escaped the eagle eyes of all other astronomers?

The heaviest blow to Lescarbault's observation came from a quarter whence it was least expected. After several months, copies of scientific periodicals containing the accounts of Lescarbault's observation were borne to Brazil, and there fell into the hands of M. Liais. This gentleman had formerly been an astronomer in the observatory of Paris, but was now chief of

the Coast Survey of Brazil. He at once remembered that he had been engaged, in the spring of 1859, in making careful observations of the surface of the sun. On referring to his records, he found that, at the very time when Lescarbault had, according to his account, been viewing the transit of a planet, he had himself been examining the same part of the sun, without seeing anything of the kind. This would seem to render it reasonably certain that Dr. Lescarbault was in some way mistaken; but what the nature of the mistake might be it is of course impossible to determine. It by no means follows that he was guilty of dishonesty. It is proper to add, that his observation was never recognized by the Academy of Sciences of Paris as leading to a discovery.

The doctrine that gravity is the only force which acts on the heavenly bodies has received a rude blow from late investigations respecting the motions of the tails of comets. These motions were as great a source of perplexity to modern astronomers as the apparitions of the comets themselves were to the ancients. They whisked around with such enormous velocity as to give rise to grave doubts whether they were really material. Certainly their movements could be controlled by no force like gravitation. And why did they always persistently point in the direction opposite that of the sun? It was reserved for Bessel to frame an hypothesis which should account for these anomalous phenomena. In his view, the tail is not a single persistent object carried along with the comet, but a stream of matter, poured from the nucleus, and driven off by the repulsive force of the sun. When the comet is far from the sun, its coldness is such that little nebulous or vaporous matter rises from it; consequently there is little appearance of a tail. As it approaches the sun, and is exposed to a more intense heat, the vapor rises with greater and greater rapidity, and a larger and more splendid appendage is thus formed. Like every other theory which is not a *vera causa*, this must be tested by the completeness with which all its consequences agree with observation. Bessel first made its application, mathematically, to the comet of Halley, in 1835, and found that, by assuming a proper intensity for the repulsive force of the sun, the form and motions of the tail could be represented with considerable fidelity.

Upward of twenty years seem to have elapsed without any serious attempt either to prove or disprove the hypothesis of Bessel. In 1858, the splendid comet of Donati, which for more than a month filled the western heavens with its splendor on every clear evening, excited as much interest among astronomers as among the public. The magnitude, brilliancy, and fineness of outline of its tail, as well as the considerable length of time for which it remained visible, peculiarly fitted it for the application of Bessel's theory. The subject was at once taken up by Professor Peirce, who commenced by deducing more rigorous mathematical formulæ for the motion of the tail than those given by Bessel. He soon found that all the observations could not be satisfied without supposing the repulsive force to be variable for different points of the tail. On the front edge it seemed to be half as strong again as the regular attraction of the sun, while on the back edge it seemed to vanish entirely. With this form of the hypothesis the positions of the tail during a period of several weeks were found to be quite well satisfied. It can scarcely be doubted, then, that Bessel's theory leads to a law which gives the form and position of the tail; in other words, that the tails of comets exhibit the same phenomena that they would if Bessel's hypothesis were true. This, however, does not absolutely prove the hypothesis itself, because it sometimes happens that the same phenomena may proceed from several distinct causes. At least two serious, though not fatal, objections present themselves to the hypothesis.

In the first place, the comet must lose at every revolution a small but appreciable portion of its matter. On any probable hypothesis respecting the age of our system, some of the comets which still exhibit tails must have revolved around the sun millions of times. Why was not all the tail-forming matter contained in them dissipated millions of years ago? In every other branch of the system, all the uncompensated changes are, as we have seen, excessively slow, so as to require enormous periods of time to produce any sensible effect; in this hypothesis, comets would seem to fall out of the range of this rule, if they lose a considerable portion of their matter in every revolution. It may be replied, either that in the begin-

ning all comets were of such prodigious magnitude as not yet to have lost all their volatile matter by the heat of the sun; or that, in the celestial spaces, means exist for restoring the lost material. The adoption of either of these alternatives would, however, weaken the hypothesis. It is a general principle in induction, that every theory which is obliged to assume a number of subsidiary facts or conditions not otherwise known to exist, is, *ceteris paribus*, weakened in proportion to their number, even though no positive objection can be raised against any one of them. This is, in fact, but an application of the law of parsimony. Another answer to the objection is, that we see indications of such a process as the theory supposes. Many bright comets have been seen to pour forth streams of matter from the side of the nucleus next the sun, which matter seemed to spread around the nucleus, and to assist in the formation of the tail. Bright hemispherical envelopes also rise from the same side of the nucleus, and seem to assist in the formation of the coma. The fact that all comets which exhibit a large tail are of long period, is also accounted for by supposing that a small portion of matter is lost by the heat of the sun.

Another objection to the theory is, that we have no evidence that the sun exerts a repulsive force on any other celestial bodies. In the motions of all the planets, and their satellites, it is distinctly seen that the attraction of gravitation is the only force exerted by the sun upon them; and the exertion of a repulsive force stronger than that of gravitation is entirely anomalous. The cause assigned for the supposed repulsion is electricity. If this explanation is correct, the sun must be either positively or negatively electrified to a degree sufficient to make its repulsion felt at a distance of hundreds of millions of miles.

We have thus briefly noted the more prominent arguments for and against Bessel's hypothesis, without pretending to determine which side is entitled to the greatest weight. Until more decisive results are obtained, and the changes which go on in the nuclei and the tails of comets are more minutely ascertained and reduced to law, the opinions of astronomers will differ on this point.

ART. V. — *The Old Régime and the Revolution.* By ALEXIS DE TOCQUEVILLE, of the Académie Française, Author of "Democracy in America." Translated by JOHN BONNER. New York: Harper and Brothers. 1856.

AMONG the many great names which the year 1859 added to the scroll of the departed, is the author whose name stands at the head of this article, — one whose works deserve to be better known than they yet are to Americans. Having travelled in America and studied our institutions, having discussed the reigns of the two successors of Louis XIV., and having participated in the legislation of his country, M. de Tocqueville devoted the closing years of his life to what he designed to make a thorough and comprehensive treatise on the unprecedented Revolution of 1789. His design was splendid. By means of contemporary documents and records, he would "visit and examine in its grave the civilization which had passed away," a work which no man had ever performed; then, at the most favorable moment, when the infatuation of terror which it produced had been removed, while its appearance was not forgotten, he would study the living form which had arisen from the sepulchre, and assign to it its place and character among the phenomena of history. This design, in accordance with a sad foreboding of his own, he was not permitted to finish. He reached, but did not cross, "the threshold of that memorable Revolution." His work is thus, in strictness, only a treatise upon "the Old Régime." Incomplete as it is, however, it is of the highest value, both on account of the sources from which it is drawn and the style and spirit in which it is composed.

The contemporary documents which the author employs are such as others have lacked either the opportunity or the desire to consult. They consist chiefly of state papers, or more properly papers preserved in the archives of the state, which are of such a character as to reveal the most secret and most intricate movements of the machinery of government under the Old Régime. These materials he has combined in such a way as to give in the small volume before us a com-

plete and comprehensive view of the whole system, from the moving power in the will of the monarch down to the suffering of the humblest peasant, whose blood and toil were the price of that magnificent supremacy. On this latter point he is peculiarly full and satisfactory, giving an ample statement of that condition of things, so graphically depicted in the "Tale of Two Cities," "which rendered the leanness of a Frenchman a proverb in England for a century after the cause had passed away."

We have referred to the style and spirit of the work. The spirit is that of calm, impartial, philosophical inquiry, pervaded by profound religious sentiment, and evincing a clear perception of the distinction between right and wrong. Though many of the author's sentiments were opposed to those of the majority of his countrymen at the time, they are expressed without any appearance of bitterness. His suppressed feeling sometimes flashes forth in a cutting sarcasm, but in general his opposition is determined rather than defiant. His style is clear, forcible, and vivacious; his reasoning cogent; his arrangement unsurpassed. The great merit of his system, besides the primary one of lucidity, is its compendiousness. A great extent of territory is passed over with amazing rapidity, yet without leaving any portion unexplored. This is accomplished chiefly by leaving out of view all preliminary processes, and presenting only a summary of results. Where this is not done, as it cannot always be, he has abbreviated his work in another way, by leaving out of view all futile investigations. Led by no vain ambition of displaying his own industry, he wearies his readers with no negative results, presenting only what in the last analysis proved sound and conclusive. Thus his work is like specie in sealed packages. We have only to count the parcels, without being obliged to number and test their contents.

The work is divided into two parts or books, of which the first is only an extended preface, bringing up by anticipation some of the topics more fully discussed in the body of the work.

Having thus presented a general notice of the work, we propose to devote the remainder of this article to a more particu-

lar examination of its contents, including a comparison of the author's opinions with those of Burke, as expressed in his papers upon the same subject, chiefly in his "Reflections on the French Revolution."

On comparing the treatises composed at so widely different periods, by authors so contrasted in position and character, — the one an English statesman contemporary with the Revolution, the other a French philosopher writing sixty years later, — the attention is at once arrested by their remarkable agreement with reference to facts, and these, too, the central, fundamental facts, of which the special events of the Revolution are only the accidental accompaniments. Its reforms, at the same time radical and instantaneous; the perversion of abstract truth that was its basis; the unexampled combination of intolerance and infidelity which distinguish it; the universality of its doctrines, rendering it, fearful as it was, unique, — are cited and discussed by both in the same tone and spirit. Concerning the society which was destroyed, their agreement is scarcely less complete. The generally high character of the aristocracy, including the clergy, the power and isolation of the middle class, such as was never seen before or elsewhere, the political preponderance of men of letters, the prevalent prosperity of the kingdom, the benignity of the government, are testified by both.

A careful comparison gives only one important discrepancy in their presentation of facts. This is with reference to the condition of the lower classes. In treating of the inequality of taxation, Burke undertakes to show that the contributions of the privileged classes formed a considerable proportion of the whole amount. He dwells upon the fact, that they paid a capitation or land tax, or its equivalent, and necessarily paid also their portion of the customs or indirect taxes. That this did not prevent a great and oppressive inequality of burdens, is evident from the facts brought forward by De Tocqueville. He shows, with respect to the direct state tax, from which the nobles and clergy were exempt, that "the increase of the *taille*, tenfold in two centuries, fell wholly upon the poor"; that *corvées*, or compulsory personal services, particularly in repairing roads, were pitilessly exacted, until "their amount

began to frighten the receivers of the *taille*"; and that, under this double infliction, "the French peasant of the eighteenth century was led to imitate the Jew of the Middle Ages, and to feign poverty, if he happened to be in easy circumstances." On a question of this nature, De Tocqueville's statements must be preferred, as resting on superior evidence. This must, therefore, be deemed a correction of Burke, and a very important one, as the degree of oppression which the people endured is of the first consequence in determining the rightfulness of the Revolution.

This has been said to be the only important discrepancy. A cursory reading of De Tocqueville, however, would give a widely different impression. He is constantly charging Burke with some misrepresentation of the fundamental facts of the Revolution, a course which he enters upon in his first chapter, and persistently maintains throughout the volume. In the passage alluded to, he says: —

"Burke's mind was illumined by the hatred he bore the Revolution from the first. Still he doubted for a time. His first inference was, that France would be weakened, if not annihilated. 'France is at this time,' he said, 'to be regarded as expunged out of the system of Europe. Whether she can ever appear in it again as a leading power is not easy to determine; but at present I consider France as not politically existing, and unquestionably it would take up much time to restore her to her former active existence. *Gallos quoque in bellis floruisse audivimus*, may be the remark of the present generation, as it was of an ancient one.'"

To this criticism we are inclined to reply, that France, as Burke anticipated, was weakened, and barely escaped annihilation. Under the first frenzy of newly acquired freedom and citizenship, her untrained armies did indeed accomplish wonders. After that was past, under the fear of the insatiable guillotine, her generals still gained unexpected victories, preferring a soldier's death on the field of battle to the fate of felons and traitors in Paris. But such spasmodic exertion, though terrible to other nations, was ruinous to France, as her condition when Napoleon appeared sufficiently proves. 'Unpitied decimation of her armies in the field, and promiscuous slaughter of her citizens at home, were combining to lay her

helpless at the feet of her enemies. But for the astounding victories of that commander, it may well be questioned how long France could have avoided the fate of Poland. The tendency of the Revolution was, as Burke "inferred," to destroy France; the advent of a military despot, in the providence of God, saved her from its natural effect.

In the fifth chapter, again, our author quotes Burke's appeal to the French: "Had you but made it to be understood, that, in the delusion of your amiable error, you had gone further than your wise ancestors; that you were resolved to assume your ancient privileges, while you preserved the spirit of your ancient and your recent loyalty and honor; or if . . . . . you had but looked to your neighbors in this land who had kept alive the ancient principles and models of the old common law of Europe . . . . ." Here De Tocqueville makes the following strange comment: "Burke *cannot see* that the real object of the Revolution is to abolish that very common law of Europe; he does not perceive that that, and nothing else, is the gist of the movement." To this it is to be answered, that Burke was defending the common law of Europe, and not giving a history of it. He was endeavoring to show what the French should have done, not to discover what they meant to do. That they were bent on destroying that "old common law of Europe" he knew only too well, and a great part of his argument in his "Reflections" is designed to show the folly of their course. Such statements of discrepancies, in almost every instance untenable, are to be found scattered through the whole volume, and constitute one of its most singular features. In almost every case it might be shown that upon the very point in dispute there is more agreement in opinion than difference in expression. From a careful examination of them all, we are forced to conclude that De Tocqueville misconceived Burke, and applied to his political arguments principles of criticism which properly relate only to history or philosophy, where neglect of one side of a question is evidence of ignorance or insincerity. Of course such principles do not apply to political articles, where commonly the only reason for writing at all is the presumption that the opposite side is well supported, and where the writer, therefore, appears not as an investigator, but as an advocate.

We perceive, also, that our author frequently makes the mistake of confounding the result of the movement with the tendency of its action and the aims of the actors, as if the tendency of a movement must necessarily be to produce the effect which it actually accomplishes. This is especially prominent in the fifth chapter of the first book, where the words "tendency," "design," and "effect" seem to be used interchangeably.

Whether we have given the true explanation or not, it is certain that the points on which De Tocqueville insists are not important discrepancies, and, further, that scarce any such are to be found between him and Burke from first to last. This will better appear upon a closer examination.

We notice, first of all, a broad distinction between the works of the two authors with reference to their design, De Tocqueville being occupied almost entirely with the origin, and Burke with the character, of the Revolution. The difference is natural. Burke was dealing with a living system, speedily embodying itself in the institutions of a great country, and endeavoring to find footing in every other. It was of little consequence to him or to any one else at that period to know how it was produced, except as such knowledge might suggest the means for its advancement or destruction. The situation of De Tocqueville was wholly different. It did not require the interval of sixty years between the Revolutionary period and his own for that violent system to accomplish its destruction. It had become already an historical phenomenon. Men's ears still tingled, it is true, at the story of its deeds, but it had itself long ceased to be an object of hope or fear to any. At such a period, an author would naturally be more inclined to discuss the causes of the outbreak, though, had De Tocqueville completed his design, his work would undoubtedly have been more nearly parallel to the writings of Burke. As it is, there is a noticeable difference between them. Burke is constantly laboring to prove that the course of the Revolutionists was wrong; De Tocqueville, to show that it would naturally be such as it was. The two methods are by no means repugnant. For as certain as it is that human actions have a moral character, it is equally certain that they have predisposing causes, and a statement of

the temptation by no means precludes a denunciation of the crime.

The purpose of Burke has been variously represented. On the publication of his "Reflections," many with the gravest assurance charged him with madness; less charitable opponents accused him of "despotic predilections," and of "belying the tenor of his whole life"; and it is still customary to speak of his "anti-Gallican mania," and to treat his great work as a splendid curiosity, but something not to be resorted to for attack or defence. It is certainly unfortunate, so far as any immediate effect is sought, that this treatise was made so magnificent. If ever an author wreathed his sword in flowers so as to destroy its power, it was done in this instance. Blows which should be mortal are only irritating, and numbers handle and admire the casing without once suspecting that it conceals a weapon. The argument is literally buried beneath magnificent imagery. A chain of resistless logic will often be found hidden in a passage which at first view seemed to consist only of overwrought declamation. He who would read the work with profit should often turn back, and, disregarding all the beauties of the style, draw out a continuous abstract of the argument it enfolds. Thus read, it will be found to be an irresistible refutation of the system it attacks; thus read, it will be the best vindication of its author. Such a perusal and thorough appreciation of it is of the utmost importance in our own time and country. It is to be wished that its sentiments were much more generally diffused among us; for, rightly understood, it is a bright beacon placed over that lee-shore of democracy toward which many causes combine to urge our American Republic.

Burke's design was to refute all apologists for the French Revolution, to show that it was wrong in principle and practice, and utterly "unworthy of imitation." His argument is special and circumstantial throughout. He does not deny the right of revolution. He enters on no general condemnation of its practice. He attacks that particular movement, the principles on which it proceeded, and the practices it adopted. If revolutions are good in themselves, intrinsically beneficial, and if every exercise by a nation of this power is necessarily right,

then the course of Burke in this matter did "belie the tenor of his whole life," and was utterly inconsistent with his condemnation of tyranny in America and in the East. If, however, we hesitate to adopt these sweeping propositions, and are willing to admit that such a movement, while it may be good, may, like all other human proceedings, be also evil; that there are times when opposition to it may be evidence of the most judicious love of country and devotion to freedom; in a word, that the question of its lawfulness is to be determined by the same considerations by which other acts are tested, — of time, place, circumstance, and motive, according to the highest rules of expediency and morality, — then the *prima facie* condemnation brought against the English statesman falls to the ground, and he is to be judged only according to the right or wrong of that particular revolutionary movement which occurred in France in 1789. This is a point which cannot be too strongly insisted on in this and in all similar cases.

There is so much that is noble in the rising of an oppressed people against their oppressors, so much that gratifies our love of justice in seeing tyranny foiled and tyrants punished, so much sublime self-devotion frequently in the leaders of such a movement, such renewed vigor and prosperity are often seen in a people who have just shaken off their fetters, that we rightly admire an instance of "resistance to tyrants," and may without irreverence pronounce it "obedience to God." But there is great danger lest we allow our admiration to lead us too far. We are too apt to generalize, and apply to all revolutions what is true of but a few. We come unconsciously to confound names with things. Because a lawful resistance to tyranny is a revolution, we take the ground that a revolution must be a lawful resistance to tyranny. Thus we alter our motto, and virtually proclaim, instead of "resistance to *tyrants*," that "resistance to *rulers*" is "obedience to God." A principle so contrary to Divine precept and human reason has been abundantly proved false by history. Let it once be generally held to be more manly, virtuous, and praiseworthy to resist than to obey authority, and all responsible government is at an end. Rulers must either act in perpetual peril of martyrdom, or administer the laws with a tender hand, ready to abandon their posts on

the first symptom of popular disaffection. The principle applies to every individual citizen, who resists according to his inclination and ability. There are some in every community who can be brought to the position of living to fight. Such find a paradise in this time of license. There are more, however, who at most only fight to live, who feel that life and property are too precious to be wantonly thrown into the whirlpool of unrestrained passion. These are at once desirous of peace and unable to gain it, as it must then be procured, by the sword. They therefore support any government which promises to be strong and stable, though it takes away that freedom whose abuse they have found so pernicious. Such a government is a military despotism. Where that exists, there may be contests for change of masters, but the people are still very sure to be slaves. So happy a consummation, however, is not always reached. Nations may struggle on for generations in constant anarchy, existing by the sufferance of their neighbors or protected by their own worthlessness. Thus those who claim the unlimited exercise of the right of revolution are in the end deprived of the power, or of all that makes it worth possessing.

The principle so completely refuted by experience might be seen to be false by a simple inspection of the terms. Revolution is so far from being intrinsically good, that it may be shown to be intrinsically evil. A movement which calls peaceful citizens to arm against each other, breaks up many of the most valuable pursuits of civilized life, relaxes the restraints and therefore the protection of wholesome laws, and puts the prosperity of a country, and to a great extent its future destiny, into the hands of untried men, is in itself so open to censure that it can never be justified, except as a refuge from greater evils.

A principle so evidently false as the one alluded to would seem scarcely to need elaborate refutation; but it will be found, avowed or concealed, in most of the strictures upon the criticisms of Burke. It is because this is pressing upon their minds, that so few can read with patience twenty pages of his great work. Feeling that a censure of one revolution involves a censure of all, and being unalterably persuaded that some

revolutions have been blessings to the race, they forthwith condemn the author of the attack as "a bigoted opponent of progress and reform." Let it but be generally perceived that a writer may with perfect consistency condemn the revolution of 1789 and extol that of 1776, or censure that which in England dethroned Charles I., while he approves that which a little later deposed James II., — that a patriot may with no change of principles expose his life for a revolution in one year, and against a revolution the next, — sound reasoning on this subject would be much more easily applied.

In continuation of this very argument is Burke's first charge against the French Revolutionists. He resists them because their aim was to destroy. That this was their purpose, their acts show beyond dispute. They swept away all the old dignities and administrative powers of their country. They attempted to confound its territorial divisions. It is notorious that they changed the very names of the commonest things. Even what they attempted to retain was culled out of the ruin they had made. In order to maintain their hereditary monarchy, they first altogether overthrew the old government of their country. So far from attempting to preserve what they found, they seem rather to have sought for something to abolish.

Now, that the old system did not need nor deserve to be thus totally destroyed, is generally admitted. No one has yet appeared bold enough to maintain that in all the ancient system of French polity there was not one portion worthy to be preserved. Yet, as we have seen, the Revolutionists destroyed all. Acting thus in disobedience to the primary presumption that lies always against all revolution or change, it is evident that their course was fundamentally wrong. They were in error from the very beginning. Hence, in Burke's first utterance upon this subject (Speech on the Army Estimates, February, 1790), he declares, "that he thought the French nation very unwise. What they valued themselves on was a disgrace to them. They had gloried (and some people in England had thought fit to take share in that glory) *in making a revolution, as if revolutions were good things in themselves.*" In opposition to this, "in his opinion anything

which unnecessarily tore to pieces the contexture of the state, not only prevented all real reformation, but introduced evils which would call, but perhaps call in vain, for new reformation," — an opinion which, though uttered thus early, the course of the Revolution abundantly verified. It was not the expression of a momentary feeling, but of a fixed and controlling principle of his life, by which most of its apparent anomalies can be explained. He states the same conviction elsewhere in a different form, when he avows, "A *disposition* to preserve and an *ability* to reform, taken together, would be my standard of a statesman." This may be regarded as a succinct statement of his own political creed. The "disposition to preserve" was in him always strong, sometimes excessive. Yet we may well be cautious how we censure it. In comparison with those whose only distinction is a genius for destruction, such a statesman is one of the best gifts of Providence. It is comparatively an easy matter to destroy. In some states of mind it is a very agreeable task.

"Your mob," he says, "can do this as well at least as your assemblies. The shallowest understanding, the rudest hand, is more than equal to that task. Rage and frenzy will pull down more in half an hour than prudence, deliberation, and foresight can build up in a hundred years. The errors and defects of old establishments are visible and palpable. It calls for little ability to point them out; and where absolute power is given, it requires but a word wholly to abolish the vice and the establishment together."

"At once to preserve and to reform," on the contrary, "is quite another thing. When the useful parts of an old establishment are kept, and what is superadded is to be fitted to what is retained, a vigorous mind, steady, persevering attention, various powers of comparison and combination, and the resources of an understanding fruitful in expedients are to be exercised; they are to be exercised in a continual conflict with the combined force of opposite vices, with the obstinacy that rejects all improvement, and the levity that is fatigued and disgusted with everything of which it is in possession. . . . . If circumspection and caution are a part of wisdom when we work only upon inanimate matter, surely they become a part of duty too when the subject of our demolition and construction is not brick and timber, but sentient beings, by the sudden alteration of whose state, condition, and habits multitudes may be rendered miserable. . . . . The true lawgiver ought to have

a heart full of sensibility. He ought to love and respect his kind, and *to fear himself.* It may be allowed to his temperament to catch his ultimate object with an intuitive glance; but his movements towards it ought to be deliberate."

In view of the vast results which may follow from action, it is surely not too much to require of legislators that no important change in government should ever be made, unless its advantage, according to the wholesome maxim of criminal law, *is evident beyond a reasonable doubt;* that they should approach the faults of the constitution as "the wounds of a father, with pious awe and trembling resolution." Even on the lowest ground of expediency, present prosperity and security is the "bird in the hand"; the problematical advantage of innovation is one often far "in the bush." We have little respect for those practitioners who would, according to another simile of Burke, "cut up the infant for the sake of an experiment."

Pursuing the argument of his "Reflections," he proceeds to take up the course of the Revolutionists more in detail, and to show that it was not only unauthorized, but intrinsically wrong. In order to do this, he undertakes first to prove that the theory of government known as the "rights of man," which lay at the foundation of the French system, is utterly false. His chief argument against it is in fact only a special application of the now universally admitted rule, that abstract reasoning can never determine matters of fact. "The pretended rights of these theorists," he declares, "are all extremes, and in proportion as they are metaphysically true they are morally and politically false." "These metaphysic rights entering into common life, like rays of light which pierce into a dense medium, are refracted from their straight line," so that "it becomes absurd to talk of them as if they continued in the simplicity of their original direction." For "the nature of man is intricate, the objects of society are of the utmost possible complexity, and therefore *no simple disposition or distribution of power can be suitable to man's nature and the character of his concerns.*" By the reasoning thus clearly stated, we are driven to his conclusion, that "the science of constructing a commonwealth, or renovating it, or reform-

ing it, is like every other simple science, not to be taught *a priori*."

A system which thus violates one of the fundamental laws of reasoning, of course involves serious absurdities in its application. These he has pointed out with wonderful minuteness and accuracy, as we shall presently notice.

His next attack is against the morality of these doctrines, as shown in their effects. It has been a favorite method of the apologists of the Revolution to discriminate between the shocking events of that period and the system that tolerated them. This distinction, once allowed, shuts out all allusion to the excesses of the mob and the legalized atrocities of its agents. These acts being no part of the system, of course all that can be said about them in such a connection is mere sophistical declamation. As such it has been customary to regard many of the most splendid passages of Burke's "Reflections" — his impassioned denunciation of the massacres in Paris, of the wretched spectacle of the march of women to Versailles, of the ferocious sacking of the palace, and of the brutal "triumph" with which the royal family were conducted to the capital. His touching and beautiful passage respecting Marie Antoinette is too frequently viewed in the same way. This distinction, which has been so generally admitted, should not for a moment be allowed. The Assembly and the other so-called authorities of the time were either independent or dependent, able or unable to restrain the impulses of the people. Whichever alternative we adopt is equally fatal to the system according to which they proceeded. If they were independent in their action, they become themselves responsible for the excesses which they tolerated or decreed. In that case their system is false, for it assumes that the people will select its best men to be its rulers. But during a period of more than six years, under the operation of this system, the best men of France went to the scaffold or into exile, and the vilest were exalted into power. This was not for want of a change of measures or of men, for these were made with ridiculous frequency; but through all changes there was a steady process of degradation, until property rose against numbers, and under the *jeunesse dorée* commenced the reaction which was completed by the cannon of Napoleon.

If we take the other alternative, more in accordance with history and the theory of their government, the French authorities were subject to the immediate will of the people, acting, as Burke has it, only "the farce of deliberation," and "obliged to adopt all the crude and desperate measures suggested by clubs . . . . . containing men in comparison of whom Catiline would be thought scrupulous and Cethegus a man of sobriety and moderation." According to this view, their theory of human rights in its practical operation furnished no restraint upon the action of the people. The people, acting without restraint, committed excesses shocking to humanity. Therefore, since the great object of government is to prevent such deeds, this system fails to answer the great object of government, and is practically false. It may be objected, that this is drawing a universal conclusion from a single instance. Such a course, which is illegitimate for proof, is allowable for refutation. A universal proposition is fairly refuted by an instance. We are told, "The immediate rule of the people will always be beneficial." But the immediate rule of the people was not beneficial in France, therefore it will not always be beneficial. The very admission of an exception is fatal to a theory so universal in its nature as "the rights of man," even if we are willing to admit that its terrible working in the only instance of its complete application formed an exceptional case.

But to admit this would be to stop far short of the truth. Three fatal objections lie against any theory of government which does not provide for a restraint at times upon the immediate action of the people. The first is, that, in many crises of national history, the worst part of the community will infallibly gain the ascendency, unless some external restraint is imposed upon good and bad alike. He who cares nothing for life, and has no property or reputation to preserve, will ordinarily be more than a match for him who is concerned for any or all of these. The action of the most abandoned has on many occasions a directness, fearlessness, and vigor with which no other can compete. Thus for a time a forcible restraint may be needed in order that the better portion of the community may gain time to reflect and

courage to act. Again, there are many deep questions of state policy, which it is impossible that the majority of any people should readily comprehend. Experience may give them a sort of practical knowledge, by teaching them the actual relation between antecedent and consequent. But, as De Tocqueville remarks in his "Democracy in America," "a nation may sometimes forfeit its existence while awaiting the consequences of its errors." Hence it is important that those whose education enables them best to meet such questions should be in places of trust, and armed with such power as may enable them, on some occasions, to act in defiance, for the time being, of public opinion, and to resist the immediate will of the people for its ultimate good. Besides these dangers, men as we know them are liable to be influenced by sudden passion, large bodies of men eminently so. It cannot be maintained that their action under such circumstances will always be salutary and beneficent, such as they themselves will not subsequently regret. At such times, unquestionably, a temporary restraint, however unpopular, will be a permanent benefit. But the "rights of man" recognizes no necessity of any such restraint. The powerlessness of the French authorities was their legitimate condition upon the theory of their government. Hence the atrocities of the period are to be charged, not indeed upon its leaders, but upon the system of which they were at once the authors and the victims. Upon this view of the case, those portions of the writings of Burke which dwell upon the excesses of the movement obtain a legitimate and overwhelming power. The pity and indignation they excite need no longer be repressed or turned aside from their legitimate aim. We may not expend our censure upon the misguided men who first devised and instituted the system. "They found," as Burke well remarks, "their punishment in their success." Let these rightful emotions only point our words and direct our actions against any future professors of these principles of confusion, in our own or any other land. When we reflect upon the unprecedented horrors of that former period, and remember that they were no extraneous accidents, but the natural effects of the system they accompany, we see no trace of madness,

only the expression of a clear understanding and patriotic determination, in the words of Burke, when he declared in Parliament, of the new government of France, that "it was a plundering, ferocious, bloody, tyrannical democracy, without a single virtue to redeem its numerous crimes; and so far from being, as his honorable friend [Fox] had said, 'worthy of imitation,' he would spend his last breath, and the last drop of his blood, he would quit his best friends and join his worst enemies, to oppose the least tittle of such a spirit or such an example in England."

These are the three chief objections which its most able and determined opponent has to allege against the system upon which the French government was based. He concludes his treatise with the minute exposition previously referred to, of the numerous practical fallacies involved in its application according to the Assembly's Constitution. The folly of composing their legislature of a single house, the futility of their scheme of a subordinate monarchy, the insufficiency of their plans for controlling their armies or enforcing the laws, the absurdity of dividing a country according to geometrical, without regard to natural boundaries, the deceitful nature of their revenue system, are strongly maintained, and their necessary results predicted with such exactness, that only a change of tense is necessary to convert many passages into a graphic narration of the decline and fall of the newly-constituted government. Especially noticeable is his description of the career of some future military despot who should establish order upon the ruins of liberty, written before the name of Napoleon Bonaparte was known even to France. Such an extended argument, leading to results so completely verified by subsequent facts, sets a seal upon the whole work, establishing a very strong presumption that even some of the most distasteful portions may contain much important truth. A careful study of this argument is to be recommended to all speculative reformers, as showing that the limitations they despise in the formation of their theories may appear again in their application with a ruinous, instead of a restrictive power. Summing up the whole argument of Burke, the great faults of the French Revolutionists seem to have been that they were actuated by a

morbid eagerness for destruction, and that they were so ignorant of the true theory, and even of the practical working of political institutions, that they sought to found a government upon abstractions, thus rendering it equally irrational and powerless.

Turning now again to the work of De Tocqueville, we find an explanation of the circumstances which led them to such a course. We have seen that the lower classes of French society, which formed, of course, the bulk of the population, were pressed down under an almost intolerable burden of taxation; that *taille* and *corvées* were pitilessly exacted, until there was danger that their united weight would disable their victims from paying either. This must be, as we know it to have been, a constant and fruitful source of discontent. We find, upon further examination, that while this existed there were no counteracting influences "to attach the peasant to the government under which he suffered, so that in many respects his condition was worse in the eighteenth century than it had been in the thirteenth, notwithstanding the progress of civilization." His condition was one of submission without protection, and suffering without sympathy. A body of intendants and sub-intendants, under the immediate control of the Royal Council, administered the government throughout the kingdom. They were responsible only to the Council, and through it to the crown. The Parliament at Paris could interpose an occasional restraint, and an independent, because permanent, judiciary could sometimes uphold the ancient laws against the edicts of the king; but, with these limitations, the will of the monarch was the law of the land. The people had come to consider the royal power "in the place of Providence," and were in the habit of constantly laying before it their individual wants. But, with all the benignity of its last days, it was too distant, and with all its power it was too feeble, to retain the affections of the people. Its power over its subjects was, as has been said, irresistible; but it succeeded to an inheritance of misgovernment, and was surrounded by circumstances of perplexity and distress against which no mortal force could then avail, and its only resource was the merciless oppression of those whom it dared to oppress, that

is, the people. Its distance from them was a necessity. Any such central power must of itself be too far removed from the people rightly to appreciate their wants or to administer relief. Hence the people could only look upon it as a task-master, instead of a protector.

At the same time, all those intermediate authorities to which they might have been attached by tradition and habit had become at once powerless, useless, and oppressive. The nobles had so completely lost their feudal power, that at this period "the intendants (the crown officials who had supplanted them) were careful to remind their sub-agents that the seignior was nothing more than the *first peasant* in the parish." But though their civil power was thus destroyed, we should suppose that their learning and refinement would still have commanded the respect of the people, and that the material advantages they would secure to them would have won their gratitude. This, however, had long ceased to be the case. When the nobles lost the substance of their feudal power, and could win distinction only at the court or in the armies of the king, they naturally resorted to the capital in pursuit of that consequence and consideration which they failed to find at home. This was the course of events from the beginning of the seventeenth century, until at length "no men of rank were left in the rural districts but those whose means did not allow them to move." But though their feudal power was gone, their feudal privileges were mostly retained, rendering them a burden to the people whom they had ceased to benefit.

"A man of this class was," says De Tocqueville, "strangely situated among the peasantry. He was no longer their ruler, and had no reasons for conciliating or aiding or guiding them, while, on the other hand, he did not share their burdens, and consequently felt no sympathy for sufferings, which did not afflict him, or for wrongs to which he was a stranger. Though they had ceased to be his subjects, he had not become their fellow-citizen. The position is without a parallel in history." They had by this means become not only careless, but ignorant of the necessities of the people, and failed to do them the good they would willingly have done. One who was "exiled"

two years on his own estate found numerous means of improving the district which had not before occurred to him. Thus the peasantry were not only oppressed by the crown, but deserted by their natural guardians among the aristocracy.

Their relations with the clergy were very similar. We are told that, in the absence of all other men of education and refinement, "the parish curate would have become the master of the rural classes, in spite of Voltaire, had he not been so notoriously connected with the political hierarchy, whose odium he shared together with its privileges." Even he thought it necessary to isolate himself from the people he might have governed, and in his zeal for empty privileges lost substantial power and usefulness.

Things standing thus with the nobility and clergy, there remained still one class, which might have conferred some benefits upon the people, and formed for them a nucleus of attachment to the society in which they were placed. This was the powerful middle class. What were its relations to the people we may show in De Tocqueville's own words.

"Interest, to a still greater extent than locality or habits of life, drew a line between the middle classes and the peasantry. Complaint is made of the privileges of the nobles, and very justly; but what must be said of those of the middle classes? Thousands of offices carried with them exemptions from this or that impost. . . . . The number was so great, in fact, as to produce at times a sensible falling off in the product of the *taille*. . . . . These wretched privileges excited the envy of those who did not enjoy them, and filled their possessors with selfish pride."

Both in town and country, the middle classes had contrived to make of the lower classes strangers and enemies; their most striking characteristic "was their fear of being confounded with the lower classes, and their violent desire to escape in some way from popular control."

Such were the relations of the lower classes with those above them. On examining these superior classes in their mental connection, we find a most unfortunate separation and hostility between the nobles and the middle class.

"With the disorganization of the seignorial governments, the increas-

ing infrequency or total cessation of meetings of the States General, and the ruin of national and local liberties together, the middle classes ceased to associate in public life with men of rank. There was no longer any necessity for their meeting and coming to a mutual understanding. They became daily more independent of each other and more complete strangers. By the eighteenth century the change was accomplished; the two classes only met accidentally in private life. They were not only rivals, but enemies."

Such was the general condition of society. We have still to consider the agent which was to be most prominent in its renewal. The literary portion of French society was not then recognized as a political division, but history has been compelled to acknowledge it as such, and perhaps the most important of all. Struck by the many perversions and absurdities, which appeared everywhere in the state, men of letters had long, by a natural tendency, been led to indulge in speculations upon politics. In the numerous treatises to which this tendency gave birth, one element of agreement may be noted, that, namely, which was the cardinal fault of the Revolution. "They all started with the principle that it was necessary to substitute simple and elementary rules, based on reason and natural law, for the complicated and traditional customs which regulated society in their time." The reason for this fatal delusion is said to be, that "they had constantly in view a host of absurd and ridiculous privileges, whose burden increased daily, while their origin was growing more and more indistinct; hence they were driven toward notions of natural equality. They beheld as many irregular and strange old institutions, all hopelessly jarring together, and unsuited to the time, but clinging to life long after their virtue had departed; and they naturally felt disgusted with all that was traditional, and — each taking his own reason for his guide — they sought to rebuild society upon some wholly new plan." "Having no share in government themselves, and seeing nothing that was done by those who had, [noble birth being the passport to office,] these writers lacked the superficial education which the habit of political freedom imparts even to those who take no part in politics. They were hence bolder in their projects of innovation, fonder of theory and system, more prone to

despise the teaching of antiquity and to rely on individual reason, than is usually the case with speculative writers on politics." Hence their eagerness to destroy, their preference of reconstruction over amendment, their confidence in abstract reasoning, at once so censurable and so fatal.

Almost the same causes which made them visionaries in politics rendered them infidels in religion. The speculative tendencies to irreligion, which literary men so frequently display, were confirmed by the fact that the Church was out of place like all things else. "It had become a political body, in defiance of its vocation and its nature; it shielded vice in high places, while it censured it among the people; it threw its sacred mantle over existing institutions, and seemed to demand for them the immortality it expected for itself. Attacks upon such a body were sure of popular sympathy." A kind of "personal hostility" was added to this from the fact that "the Church, specially intrusted with the superintendence of ideas and the censorship of letters, was a daily thorn in their side. It opposed them when they stood forth on behalf of the general liberties of mankind, and consequently they were driven in self-defence to attack it, as the outwork of the place they were assaulting."

But the final reason assigned, and one most important to notice, is that the utter absence of political freedom had prevented their perceiving and feeling the importance of religion to liberty and social order. In proof of this, we are called to observe "how each class in turn learned in the rough school of revolutions the necessity of respecting religion. The old nobility were the most irreligious class of society before 1789, and the most pious after 1793; the first attacked, they were the first to recover. When the middle classes were stricken down in the midst of their victory, they in turn drew toward religion. Respect for religion gradually made its way in the breast of every one who had anything to lose by popular disorders, and infidelity disappeared or lay hidden in the general dread of revolution." We have abundant testimony that a nation is nowhere found without some religious observances, and we are here plainly taught that it cannot safely divest itself of all. Toward the close of the Old Régime "politi-

cians were out of practice, and were so ignorant of the part which religion plays in the government of empires, that infidelity found proselytes among those who were most vitally interested in the maintenance of order and the subordination of the people. Nor yet proselytes alone, but propagandists, who made an idle pastime of disseminating impiety." When such doctrines, political and moral, could be tolerated by the higher classes, which still possessed many advantages, what must have been their reception among a people oppressed as we have seen the peasantry to have been?

This then was the society into which, in the latter half of the eighteenth century, a Frenchman found himself born. It contained an ancient, but decayed nobility, possessing innumerable uncompensated privileges; a Church in league with oppression, producing in the minds of French patriots a prejudice, not yet done away, against all religion; a middle class more than all others detesting and detested; below all these, a people taxed almost beyond physical endurance to support them; above them all, a monarchy exacting and ubiquitous, but unable, when not unwilling, to reform the abuses of the state; external to all, a coterie of philosophers, who offered a simple, and seemingly, to those not versed in statesmanship, a wise and equitable system, free from all the abuses of the time, — a speculative political paradise. Of all which it may be said, in brief, that while men shall be able to conceive such a society as the latter, they can never be made to rest in one so irrational and oppressive as the first. As the sum of De Tocqueville's investigation, we find French society in 1789 full of absurdity, weakness, and injustice, imposing the necessity of revolution on those who knew nothing of the dangers of reform.

A knowledge of this state of things would almost have enabled one skilled in statesmanship to predict the result. It could not fail to be such as Burke has condemned. Smarting as its authors were under the oppression of the old complicated system, they had little disposition to preserve where it was in their power to destroy. Ignorant as they were of the practical difficulties of government, they were unable to construct an equitable and efficient system in place of the one they over-

threw. The combined effects of ignorance and oppression had led them to hate and discard religion. Men of strong passions and slight information, thirsting for revenge and without religious principle, were those into whose hands the destinies of France were to fall. The character of their action might have been easily predicted, though the degree of atrocity which they reached could scarcely have been thought possible for humanity, until it was actually seen.

From such a period, which called all the passions of a great nation into tumultuous action, numerous lessons may be drawn for all characters and conditions of men, and for almost every period of history. Many of these have, however, ceased to require proof, and can be better enforced from other sources. There are three, however, which are taught with special power, and which it especially concerns us to develop. The first is the necessity of religion to the security of nations. On this the quotations we have made leave us little to say. There must be some restraint upon the ferocious passions, the sordid self-interest, the destructive ambition and rapacity of men, if we would have peace and security under any government, and most of all under one where the body of the people are free to act. Under a despotism coercion may to a great degree take the place of principle; but in a popular government the character of the people is stamped directly upon the acts of the state, and the legislation and administration will seldom be purer than the fountain from which it flows. Even a corrupt form of religion is better than infidelity; for infidelity can impose little restraint except by external force, while religion operates in the absence of any such physical control. Adams did well to associate the church with the school-house when he would show where the law-abiding but patriotic New England men of his day were made. We may well shudder at the consequences which would follow the extirpation to-day of that religion which still rules the men of New England and of all the American States. In France, the destruction of even the perverted religion which she held was a greater calamity than all the evils she was enduring from its existence.

Again, no one can rightly study the history of the French Revolution without becoming convinced that arbitrary power

is not good for man, either for the individual or the race. In these days of democracy there is little need of proving its evil character in the hands of rulers; but we need to remember that it is not more lawful or expedient for the people at large. To quote Burke again: "By these theorists the *right* of the people is almost always sophistically confounded with their *power*. The body of the community, whenever it can come to act, can meet with no effectual resistance; but till power and right are the same, *the whole body of them has no right inconsistent with virtue*." And again, after stating that "All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust, and that they are to account for that trust to the one great Master, Author, and Founder of society," he proceeds to show that "This principle ought to be even more strongly impressed upon the minds of those who compose the collective sovereignty, than upon those of single princes." If we do not subscribe to these opinions in all their extent, we must agree with their author so far as to admit that a democracy may become as shameless, as pitiless, as rapacious, as unjust, as any single tyrant or coterie of tyrants. This the history of the great French Revolution shows, and it is confirmed by many occurrences among the democracies of ancient Greece. Hence we must conclude, with Burke, that, not only as a matter of right, but of expediency, "It is of infinite importance that they should not be suffered to imagine that *their will*, any more than that of kings, *is the standard of right and wrong*."

Let us put beside these strictures upon the action of the multitude a few well-known sentences from Burke's impeachment of Hastings, where he denounces the claim of arbitrary power by a single ruler.

"Arbitrary power is a thing which neither any man can hold, nor any man can give. No man can lawfully govern himself according to his own will, much less can one person be governed by the will of another. We are all born in subjection, — all born equally, high and low, governors and governed, in subjection to one great, immutable, pre-existent law, prior to all our devices, and prior to all our contrivances, paramount to all our ideas and all our sensations, antecedent to our very existence, by which we are knit and connected in the eternal frame of the universe, out of which we cannot stir.

"This great law does not arise from our conventions or compacts; on the contrary, it gives to our conventions and compacts all the force and sanction they can have, — it does not arise from our vain institutions. Every good gift is of God; all power is of God; — and He who has given the power, and from whom alone it originates, will never suffer the exercise of it to be practised upon any less solid foundation than the power itself. If, then, all dominion of man over man is the effect of the Divine disposition, it is bound by the eternal laws of Him that gave it, with which no human authority can dispense, — neither he that exercises it, *nor even those who are subject to it;* and if they were mad enough to make an express compact that should release their magistrate from his duty, and should declare their lives, liberties, and properties dependent upon, not rules and laws, but his mere capricious will, *that covenant* would be *void*. . . . . .

"This arbitrary power is not to be had by conquest. Nor can any sovereign have it by succession, for no man can succeed to fraud, rapine, and violence. . . . . Those who give and those who receive arbitrary power are alike criminal; *and there is no man but is bound to resist it to the best of his power, wherever it shall show its face to the world*. . . . . .

"Law and arbitrary power are in eternal enmity. Name me a magistrate, and I will name property; name me power, and I will name protection. It is a contradiction in terms, it is blasphemy in religion, it is wickedness in politics, to say that any man can have arbitrary power. In every patent of office the *duty* is included. For what else does a magistrate exist? To suppose for power, is an absurdity in idea. Judges are guided and governed by the eternal laws of justice, to which we are all subject. We may bite our chains if we will; but we shall be made to know ourselves, and be taught that man is born to be governed by *law;* and he that will substitute *will* in the place of it is an enemy to God."

It is on this point that the theory of the Revolutionists was most radically wrong. They had suffered so much from arbitrary power in the hands of one man, that they rightly dreaded any such exercise of it. Their great error was in failing to see that it might be evil in the hands of the multitude. They perceived it to be both wise and just to place some power in the hands of the people; but they went to an extreme most unwise and unjust, when they claimed for them *arbitrary* power. As all things are in subjection to the King of kings, so are all nations in subjection to the God of nations. And as

his high position will not screen the ruler, neither will their numbers protect the people, if they venture to transgress the requirements of that "great immutable, pre-existent law," which He has imposed upon all mankind. The will of the body of the people must in ordinary cases be the rule of national action; but it is not, and never can become, the standard of right.

We desire, finally, to revert to the first charge advanced against the Revolutionists, that they sought rather to reconstruct than to amend. We would simply inquire what they gained by their precipitate and remorseless destruction of the institutions they found existing, which, in spite of all their defects and perversions, were not without great advantages. The answer to this question occupies the first eight chapters of the Second Book of De Tocqueville. In his Preface he writes: —

"The French made, in 1789, the greatest effort that has ever been made by any people to sever their history into two parts, so to speak, and to tear open a gulf between their past and their future. . . . . .

"I have always fancied that they were less successful in this enterprise than has been generally believed abroad, or even supposed at home. I have always suspected that they unconsciously retained most of the sentiments, habits, and ideas which the Old Régime had taught them, and by whose aid they achieved the Revolution; and that, without intending it, they used its ruins as materials for the construction of their new society."

In accordance with this view the author proceeds to prove that "Administrative Centralization," "Guardianship of the State" (*Tutelle Administrative*), "Administrative Tribunals" (*la Justice Administrative*), and "Official Irresponsibility" (*Garantie des Functionnaires*) — the boasted conquests of the Revolution — were in reality institutions of the Old Régime. From his survey he concludes that,

"When the Revolution is disengaged from the extraneous incidents which imparted a temporary coloring to its complexion, and is examined on its own proper merits, it will be seen that its sole effect was to abolish those institutions which had held undivided sway over Europe for several centuries, and which are usually known as the feudal system, in order to substitute therefor a social and political organization

marked by more uniformity and more simplicity, and resting on the basis of the equality of all ranks.....

"Had it never taken place, the old social edifice would none the less have fallen, though it would have given way piecemeal, instead of breaking down with a crash. The Revolution effected suddenly, by a convulsive and sudden effort, without transition, precautions, or pity, what would have been gradually effected by time had it never occurred. That was its achievement."

That was no less its crime. To hack the frame to pieces in order to remove a diseased or foreign body, which in process of time will be thrown out by the regular action of the system, is the surgery of madmen. It is as if the French had let loose the incalculable forces that lay sleeping in the hundred and twenty tons of powder in the magazine of the Bastile, in order to rid themselves in a moment of their ancient prison. It would have accomplished the work. It would have accomplished it speedily and completely, and would have required but a momentary exertion of that foolhardy daring which was not wanting in Paris in that day; but it would have scattered desolation far and wide. In one point even this comparison fails. The people of Paris might have removed beyond the reach of the effects of that explosion; but when they as recklessly tore asunder their government, they had no place to flee to, and no choice but to abide the consequences of their folly. They preferred to break down their prison piecemeal, by incessant labor, but with little danger to any, and to form the stones into a different structure for the permanent benefit of the people. Well would it have been for them if equal wisdom had guided them in dealing with the edifice of a vitiated government.

ART. VI. — 1. *The History of England from the Accession of James the Second.* By THOMAS BABINGTON MACAULAY. London: Longman, Brown, Green, and Longmans. 1849 – 55. 4 vols. 8vo.

2. *The Same.* [A new Edition, Revised and Corrected.] London: Longman, Brown, Green, Longmans, and Roberts. 1858. 7 vols. Post 8vo.

3. *The History of England from the Accession of James the Second.* By LORD MACAULAY. Volume V. Edited by his Sister, Lady Trevelyan. London: Longman, Green, Longman, and Roberts. 1861. 8vo.

THE position which Lord Macaulay holds in English literature requires from this journal a more careful examination of his writings than has yet been bestowed on them in our pages. It is our intention, however, in this article, to confine our remarks to his character as an historian. As an essayist, his preeminence will not be denied by any one whose opinion is worthy of respectful notice; and he may almost be regarded as the new creator of a department of literature which he adorned with a genius unrivalled by any writer of periodical essays from the age of Addison to our own time. As a poet his rank is equally well established. It is true that the range of his poetical powers is not great; but within that range his merits are incontestable, and no similar productions in our language are superior to the "Lays of Ancient Rome" and two or three of his martial ballads. As an orator he was always eloquent and persuasive; and his best speeches are among the ablest, as they are certainly the most brilliant, that have been delivered in Parliament since the death of Canning. As an historian his fame is of more recent date; and in spite of the unexampled popularity of his "History of England," his labors have not escaped severe criticism. The work is, indeed, only a mere fragment of the comprehensive plan which he formed while a young man, and cherished, through all the vicissitudes of political life, nearly to the close of his career. Enough of the original design, however, was completed to enable us to form some estimate of the worth of his historical theories, of

the nature and extent of his qualifications for the proposed task, and of the degree of success with which he could have executed it. Still every student of history must experience a feeling of regret that Lord Macaulay did not live long enough to finish his account of the reign of William III., and to carry his narrative through the memorable period of Anne, — to paint the literary glories of that magnificent epoch, and to set over against them the evidences of its moral and political degradation. Here the historian would have found an ample field for the most various exercise of his powers. The complicated intrigues of this period would have demanded his most searching analysis for their satisfactory elucidation; the increasing copiousness of his materials would have required all his skill in generalization to fuse them into an harmonious narrative; the men of letters whose names illustrated the reign of Anne with a splendor never before witnessed in England, except in the time of Elizabeth, would have taxed in an equal degree his skill in the portraiture of character; and the campaigns of Marlborough would have afforded him a fit occasion for presenting many passages of animated and picturesque description. But we need not indulge in unavailing regrets at the loss which historical literature suffered by the death of Lord Macaulay; and it is much more in accordance with our purpose to consider what he accomplished, than to lament the incompleteness of his fame. Under the more favorable circumstances of continued health and freedom from public cares, he might have achieved much more; but enough was done to form an imperishable monument to his memory, and to establish his place among the greatest historians of modern times.

No man ever had a loftier conception of the duties and responsibilities of an historian, or one which demands a more intimate blending of qualities rarely united. In an essay written before he was thirty years old, he placed on record his ideal of historic excellence; and when he began to compose his History he kept the same standard constantly in view. "A perfect historian," he said, "must possess an imagination sufficiently powerful to make his narrative affecting and picturesque. Yet he must control it so absolutely as to content himself with the materials which he finds, and to refrain from

supplying deficiencies by additions of his own. He must be a profound and ingenious reasoner. Yet he must possess sufficient self-command to abstain from casting his facts in the mould of his hypothesis." This union of reason and imagination constitutes in Lord Macaulay's theory the first and most essential qualification of an historian. He who aspires to an honorable place in this department of letters must be able, not only to trace the connection of cause and effect, and to exhibit the influence of laws, institutions, and systems of foreign and domestic policy on national progress, but also be able to paint social manners and customs with such fidelity that the reader will bear away from the historian's pages as vivid an impression of any period as he derives from the representations of the historical novelist. In other words, what is called the philosophy of history and historical narration in its highest form must be harmoniously combined in order to place an historian in the first rank. He must unite the logical acuteness of Hallam with the pictorial power of Sir Walter Scott. He must convince the understanding, while he leads captive the imagination.

Another qualification of an historian to which Lord Macaulay attached much importance, is the ability to portray the characters of individual actors, as well as to describe men in their aggregate capacity. More than any of his predecessors he recognized the manifold relations existing between history and biography, and perceived the advantages which an historian would possess who should enrich his narrative with a series of carefully drawn portraits of its principal personages. Not only would such a writer import into his work the personal interest which constitutes the great charm of biography, but he would render it far more instructive, by unfolding the intimate connection between personal character and the legislative measures and martial achievements by which the progress of nations is affected. It is to this characteristic, indeed, as much perhaps as to any other quality, that the popularity of Lord Macaulay's History is to be ascribed; and his frequent introduction of these personal sketches shows how much importance he attached to them.

Copiousness of information is another qualification which

holds a very important place in his theory. The historian, as he thought, should neglect no source of information, however uninviting or contemptible; he should not only study printed books and manuscript authorities, but should also visit the localities which he may have occasion to describe, and trace out on the spot the perishing vestiges of tradition; he should make himself familiar with every department of literature which can by any possibility throw light on his subject; and he should gather up in his omnivorous mind even the most trivial details, — not to be reproduced in his narrative, but as materials from which the representative facts are to be selected. The extent of Lord Macaulay's own researches curiously illustrates his theory, while it also shows the conscientious fidelity with which he pursued his investigations. Numerous instances of his diligence in the search for new materials might be cited; but it is perhaps nowhere better shown than by an incidental remark in one of his foot-notes. "There is," he writes, "a noble, and, I suppose, unique collection of the newspapers of William's reign in the British Museum. I have turned over every page of that collection."

Both in his description of the perfect historian and in his own practice, Lord Macaulay gave great prominence to the homely virtue of honesty. The perfect historian, he says, "relates no fact, he attributes no expression to his characters, which is not authenticated by sufficient testimony." He must love truth more than he loves party; and, though it is his privilege and his duty so to arrange incidents as to place in the strongest and clearest light the views which he designs to enforce, he must not give a false coloring to any fact, nor seek in any way to confound essential distinctions. He must examine every authority with the single desire of ascertaining its exact weight and of determining its real bearing, uninfluenced by the wish to confirm or refute a particular theory. He must render equal justice to every person whose actions he describes, irrespective of the party to which such person belonged, or of the opinions which he entertained. He must not shield from just censure any man, however illustrious his fame, or however splendid the record of his public services. The temptation to gloss over some doubtful transaction in

which a favorite character was concerned will be often severely felt, and it is one to which historians, as well as biographers, are prone to yield; but it will be stoutly resisted by the historian who loves truth for its own sake, and seeks only to describe things as they actually were. On the other hand, such an historian will visit no unjust judgment on the persons and the parties to whose principles he is in general opposed. He will state his opinions of both men and measures strongly and clearly; but he will take care that those opinions are the result of conviction, and that they are fairly deduced from the evidence before him. He will welcome friendly criticism on his labors; and whenever he is satisfied that he has committed an error, he will cheerfully make the necessary correction. But he will not yield to a senseless clamor because it is raised by a multitude of voices, nor give up a well-founded opinion merely because it is unpopular. He will look to foreign nations and future ages for his justification.

These four qualifications form the most essential elements in the character of a great historian, not only as Lord Macaulay described it in early life, but as he also endeavored to show by his own example in later years. To the first three he gave a far greater prominence, both in theory and in practice, than any of his predecessors. In the description of a perfect historian he dwelt upon them with even more than his wonted eloquence; and in his own History he seems to have constantly recognized their importance. But he did not neglect or undervalue other qualities; and while he endeavored to present a correct picture of the period over which his narrative extends, he constantly sought to make the lessons which it was designed to teach more impressive and more useful, by a reference to events within the personal knowledge of his readers. Many of the most brilliant passages in each of his volumes appear to have been inspired by recent transactions quite as much as by the events of which he is speaking; and, though there is great danger in the too frequent reference to contemporary history, it cannot be doubted that Lord Macaulay regarded the ability to draw just inferences from the experience of former generations as one of the most important qualifications of an historian.

To his theory respecting the importance of these qualifications two objections may be urged, — first, that no man possesses the knowledge or ability requisite for writing history according to so ample a scale, and secondly, that life is too short for any one to acquire an adequate knowledge of the past, if every historical work is to be composed with such minuteness of detail. In considering these objections, we shall reverse the order in which they are here stated, because the answer to be given to the first must depend very much on the validity of the second. If it is true that history ought not to be written according to Lord Macaulay's theory, it is certainly unnecessary to consider whether history can be so written. In entering on the discussion of this question, it is important to observe, that if History is, in the fine phrase of Lord Bolingbroke, "Philosophy teaching by examples," the worth of the instruction to be derived from her teachings will be exactly in proportion to the fidelity with which every circumstance affecting the course of events is narrated, and all the relations which the various actors bore to one another and to the state are exhibited. It must be obvious, therefore, that it is better to understand thoroughly the history of one nation, or of a brief period, than to have only a general knowledge of the history of several nations and many centuries. The man who is profoundly acquainted with Lord Macaulay's History, for instance, or with Mr. Motley's last two volumes, will be a wiser and a better-instructed man than one who has read a score of such compilations as Rollin's "Ancient History," and the like; for he will have the knowledge of a contemporary, without sharing the prejudices which vitiate judgments formed amid the stress of events. Even more than this: he will often understand the true position of affairs better than the actors themselves; he will be equally familiar with the secrets of both parties, and will see precisely what influences operated on every prominent person, and how far the result of any series of measures was affected by personal character, or by circumstances over which the actors themselves had no control.

Superficial knowledge is without doubt much better than entire ignorance. But if reliance on such knowledge in any

department of literature is to be deprecated, surely it is in that department in which the transactions of the past are recorded for the instruction of the present and the guidance of the future. Otherwise, history is indeed no better than an old almanac. A barren record of names and dates, for example, is utterly worthless, except so far as it may be used to exercise the memory. In order that any history shall be instructive, it must be written in a philosophical spirit; it must be interesting; and it must be based on an intimate acquaintance with every part of the field designed to be covered: it must not only exhibit to us the life of the court and the camp, and record the measures adopted in the cabinet and the laws enacted in the senate, but it must also describe the manners, habits, and customs of every class of the population, and present a picture which shall be minute and exact in all its details, while it shall leave on the mind of the student the impression of perfect artistic unity, rather than of a series of disconnected and independent sketches. In a word, the historian must aim to fill out and realize that ideal standard of historic excellence which Lord Macaulay kept constantly in view, and of which, we may add, he furnishes the best illustration.

Having shown, as we believe, that this objection to Lord Macaulay's theory is without any solid foundation, we need not spend much time in attempting to disprove the first allegation; for if his theory is sound in other respects, the difficulty of meeting its requirements forms no valid objection. The highest excellence is always difficult of attainment, and sometimes impossible; but the duty of striving after it remains the same in either case, and the higher the standard, the greater will be the excellence attained. As Lord Macaulay justly observes, "we shall sooner see another Shakespeare or another Homer" than an historian who fully meets the requirements of his ideal standard; but it is not the less true, that the more nearly an historian meets those requirements, the more praiseworthy will be his labors. The more deeply he is impressed with a sense of his duties and responsibilities, the more persistently will he study his authorities, the more widely will he push his investigations, the more care-

fully will he construct his narrative, and therefore the more valuable will be the results presented to his readers.

That Lord Macaulay possessed peculiar qualifications for the task which he assumed, and that he entered on its performance under very advantageous circumstances, will be generally conceded, even by those who are most inclined to speak disparagingly of his labors. He had an intimate acquaintance with every part of English history, and with nearly every department of English literature; he was a good classical scholar, according to the large requirements of the English system of university instruction, and was familiar with the great writers of Greece and Rome; he had a critical knowledge of the literatures of France and Italy, and was thoroughly conversant with the history of those countries; and every fact which he had ever heard or read was stored up in a singularly retentive memory, and was available for instant use. He had a strong and healthy imagination, by the aid of which he reproduced to his own mind the very life of past ages, and placed before his readers a series of pictures more sharply drawn and more brilliantly colored than any which can be found elsewhere in the historical literature of England. He had great skill in the delineation of character, and by a few bold touches he could sketch a portrait which would always be remembered for its clearness of outline and its marvellous accuracy of expression. His incorruptible integrity and his honesty of purpose were above question, and no candid person can doubt that he was more desirous of vindicating the truth of history, than of promoting his own interests, or of defending the party to which he was so warmly attached. In his first letter to the Bishop of Exeter, in reference to certain strictures of that veteran controversialist, he distinctly avows his wish to profit by the criticism of others. "I have undertaken a task," he says, "which makes it necessary for me to treat of many subjects with which it is impossible that one man should be more than superficially acquainted, — law, divinity, military affairs, maritime affairs, trade, finance, manufactures, letters, arts, sciences. It would therefore be the height of folly and arrogance in me to receive ungraciously suggestions offered in a friendly spirit, by persons who have studied pro-

foundly branches of knowledge to which I have been able to give only a passing attention. I should not, I assure you, feel at all mortified or humbled at being compelled to own that I had been set right by an able and learned prelate on a question of ecclesiastical history." In another place he observes: "I do not, I must own, feel satisfied that the language which I have used requires any modification. But if reading and reflection should lead me to a different opinion, false shame shall not prevent me from making a public retractation." His convictions were strong and deeply rooted, and were expressed with a positiveness of statement which left no doubt as to his opinions on every question which he had occasion to discuss. Though he was by birth and education a Whig, and was one of the most impassioned advocates of Parliamentary Reform during the great struggle of 1831, he was conservative in his habits of thought; and this characteristic was not among the least of his qualifications as the historian of England. In his eyes, for example, the great merit to be ascribed to the leaders in the Revolution of 1688 is, not that they sought to extend the privileges of Parliament or to gain new liberties for the people, but that they aimed to prevent the growth of the regal power. "It is because we had a preserving revolution in the seventeenth century," he says in a striking passage at the close of his second volume, "that we have not had a destroying revolution in the nineteenth." His style was rich, copious, and animated, moving onward in a rapid flow of short, crisp sentences, seldom widening into long paragraphs or branching off to follow new trains of thought. There is apparent, indeed, a marked fondness for antithetical forms of expression; but with this exception his style, both as an essayist and as an historian, has scarcely any conspicuous fault, and it is always lucid and exact.

Beside these qualifications, which may be traced partly to the original structure of his mind and partly to education, Lord Macaulay possessed another advantage in his familiarity with history as it is formed in the legislative assembly, the cabinet council, and the halls of justice, as well as with history as it is written in books. He had been for many years a member of Parliament, and had taken a prominent part in

the debates, both as a minister and in Opposition; he had twice had a seat in the Cabinet; and he had also been intrusted with important judicial functions in that vast Indian empire which even Canning deemed a fit field for the exercise of a comprehensive statesmanship. This various experience in public life had combined with his studious habits, his tenacious memory, and his long practice as a writer, to qualify him beyond most persons for the task which he assumed in the full vigor of his intellectual powers, and after many years of preparation.

When he began his labors, it was his "purpose to write the history of England from the accession of James II. down to a time within the memory of men still living." But this design must have been early relinquished; and when the pen dropped from his hand he had not quite completed his narrative to the death of William. This period of seventeen years forms one of the most important epochs in modern history, and is, indeed, the turning point in the progress of English liberty. It includes the short and turbulent reign of James; the unsuccessful attempt to restore the Papal supremacy in England, and to establish the uncontrolled will of the sovereign as the ultimate source of all authority in the government; Monmouth's ill-planned rebellion; the Revolution of 1688; the subjugation of Ireland; the incorporation of the East-India Company; the Continental wars of William; and the restoration of England to her former rank among nations. But to this picture there is a reverse; and it must be conceded that never before had public morality in England been at so low an ebb, and that never since has there been such an utter disregard of all the obligations of patriotism and common honesty. With few exceptions, every Englishman in public life was anxious to serve two masters, — to stand well with the king on the throne, and at the same time to avoid giving offence to the king over the water. Men swore allegiance to William, while they betrayed the state secrets to James. Yet in the midst of this prostration of public morality, by the genius of one man, born and reared on a foreign soil, England was saved from the dangers which threatened her; some of the greatest reforms in the governmental system were effected; and many

of the enterprises were originated, and many of the laws enacted, to which her present commercial prosperity is owing.

In tracing the history of this period Lord Macaulay has achieved a signal triumph, and has abundantly shown the soundness of the theory according to which his book is written. No work in any department of literature was ever read with so much avidity at its publication, and the demand for it is still unsatisfied. "We have cheated our mind of its usual food, and our body of its usual rest," said one writer, in speaking of the first two volumes, "in order to grasp, by one mental effort, the great truths which they teach, and imbibe the noble lessons which they convey." Nor was this feeling confined to one class or to one locality. Wherever the English language is spoken, the History found eager readers, and enthusiastic admirers, who joined in pronouncing it not less interesting than the last new work of Thackeray or Dickens, while its profound philosophy carried conviction to nearly every mind. "It is as fluent and as much colored as Livy," said Lord Jeffrey, in a letter to his son-in-law, Mr. Empson, after reading the first chapter; "as close and coherent as Thucydides, with far more real condensation and a larger thoughtfulness than either; and quite free from the laconisms and sarcasms and epigrams of Tacitus. I do not know that I ever read anything so good as the first forty pages, — so clear, comprehensive, and concise, so pregnant with deep thought, so suggestive of great views and grand and memorable distinctions." If the third and fourth volumes were received with fewer demonstrations of applause, it was not because they were in any degree inferior to the previous volumes, but because the writer's method had become familiar to his readers, and no longer had the charm of novelty. The last volume is a mere fragment; and, though it includes many passages of brilliant description and acute reasoning, it does not afford an adequate standard by which to measure the historian's powers. But taking the five volumes together, as an incomplete history of the reigns of James II. and William III., it will be admitted that they form one of the most fascinating narratives in our language.*

* In one of his communications to the New York Ledger, Mr. Everett says: "The first English edition bears date 1849, and in April I was informed by an in-

The narrative portions of Lord Macaulay's History are indeed worthy of the highest praise. The representative facts have been wisely selected and harmoniously grouped, the connection of events is well sustained, and there is seldom any disproportion of parts. The narrative is at once clear, rapid, and minute; and there are many passages, such as the account of the trial of the seven bishops, in which it seems impossible to suggest any alteration. Indeed, whenever description is combined with narrative, the superiority of Lord Macaulay over most, if not over all, of his predecessors is at once shown. His battle-pieces in particular have wonderful clearness and vigor; and there is nothing of the kind better than the account of the siege of Londonderry, or the descriptions of the battles of Sedgemoor, Killiecrankie, and the Boyne. It is somewhat remarkable, that in this respect he is not behind the best of the military historians, and that he describes a military movement nearly as well as he does a debate in Parliament.

It is this unflagging interest of the narrative which more than any other characteristic has given popularity to Lord Macaulay's work; but in bestowing admiration on this quality, we must not overlook other qualities which it exhibits in a not less remarkable degree. Never before was a greater array of learning brought to the illustration of a single period, or a more profound philosophy employed to unfold the relations of cause and effect in practical politics, and never were the lessons of national experience taught with a more impressive eloquence. No part of the subject has been left untouched, and there is no part which has not been placed in a clearer light than that in which it had previously stood. The first two chapters contain a luminous and masterly survey of the principal events in English history from the first mention of the island to the death of Charles II. The famous third chapter has made the

telligent bookseller that more copies of the various editions were selling in this country than of any work in the language, except school-books and books of devotion." During the year 1860 between four and five thousand copies of each of the first four volumes were sold in this city by a single publishing house. It is probable that in that year not less than fifteen thousand copies of the History as far as completed were sold in the United States. We have no information as to the number of copies sold in England; but it is known to have been very large.

England over which Charles reigned wellnigh as familiar to us as the England of our own time. The remaining portions of the first two volumes "recount the errors which in a few months alienated a loyal gentry and priesthood from the House of Stuart," and "trace the course of that revolution which terminated the long struggle between" the sovereigns of England and their Parliaments, "and bound up together the rights of the people and the title of the reigning dynasty." The tenth chapter in particular is executed with consummate ability, and is worthy of especial notice for its admirable exposition of the opinions and policy of the leading politicians in the Convention Parliament. The last three volumes show how order was re-established in England, how Ireland was subjugated and Scotland was tranquillized, and how the foreign policy of William checked the growth of French power and influence, and made England once more feared and respected abroad. Here Lord Macaulay entered on a wider field than he had occupied in the earlier volumes, his subject expanded into wider and more complicated relations, and the boundless extent of his information and the strong grasp of his intellect were still more conspicuously shown.

The central figure on his canvas is William III. The first mention of William's name, while he was only Prince of Orange, is made the occasion of an elaborate delineation of his character; and on the record of his personal actions the historian lavishes all the wealth of his imagination and all his dramatic skill to give brilliancy and point to the narrative. By no other writer have that great, calm intellect, that cold and reserved manner, and that indomitable will, been so eloquently described, or such ample justice been rendered to that profound and far-sighted policy. William stands before us clearly and sharply defined, bold, fearless, magnanimous, towering above his contemporaries not more by the vigor of his intellect than by his masculine virtues. He is evidently an object of strong and hearty admiration to the historian; and if any exception is to be taken to the portrait of the Deliverer here presented, it is that, while his great qualities have been painted with the hand of a master, his less praiseworthy actions have not been marked by a sufficiently strong repro-

bation. Mary is also a favorite with the historian, and her character has been drawn with scarcely less power than is exhibited in the portrait of her husband. Her devotion to him, her disinterested love of country, and the purity of her motives in every public or private act, are all described with a fidelity of statement and a warmth of eulogy which show how profound and how sincere was Lord Macaulay's admiration of her. Equally faithful and exact in all its details, but far less pleasing, is the masterly sketch of the false, pusillanimous, and bigoted James, in all points the very opposite of William and Mary. Admirable as are the portraits of this mean-spirited fugitive drawn by Mackintosh, Hallam, and other Whig historians, we know no other history from which so vivid and so just an impression of his character may be gathered. Of the other prominent persons with whose portraits Lord Macaulay has enriched his History, every reader will recall with especial satisfaction the sketches of Halifax, Somers, Danby, Nottingham, Shrewsbury, Sunderland, and Charles Montague, of Portland, Ginkell, and Schomberg, of Walker, the heroic defender of Londonderry, of Sarsfield, and of Peter the Great.

In his disquisitions we have still further evidence of the extent and variety of Lord Macaulay's powers. They seem to rise naturally out of the course of the narrative; but, as we have already suggested, many of them were doubtless inspired by the historian's interest in passing events. A remarkable instance of the tendency of his mind thus to connect the past and the present will occur to every one in the elaborate discussion as to the policy of maintaining standing armies with which the fifth volume opens. The Cabinet minister and the Parliamentary orator reappear in the historian. The same cogency of argument, however, is equally well shown in discussions more closely connected with the subject immediately before him. They are judiciously blended with the narrative, and are not less remarkable for their comprehensiveness of view and profoundness of criticism, than for their copiousness of illustration.

It is not to be denied, however, that, in spite of these substantial merits of Lord Macaulay's History, a vague impression

exists in many minds that he is little better than a brilliant partisan; and in some instances distinct charges, seriously affecting his character as an historian, have been preferred in respectable quarters. These charges, so far as they are worthy of notice, relate to the accuracy of his knowledge, to his impartiality, and to his honesty; and they may all be resolved into seven specific allegations; — namely, that he has misunderstood and misrepresented the character of Cranmer and the founders of the Established Church; that he has drawn a false picture of the social position of the rural clergy in the time of Charles II.; that he has libelled the Scotch Covenanters; that he has caricatured the Highlanders of Scotland, and heaped unmerited obloquy on their leaders; that he has indulged in unfounded strictures on the character of the Duke of Marlborough; that he has endeavored to conceal the defects in the character of William, and to excuse some parts of the king's conduct which cannot be justly defended, and especially that he has given a false coloring to the well-authenticated facts respecting the massacre of Glencoe; and, finally, that, having been convicted of a gross blunder in regard to William Penn, he persevered in statements which have no real foundation, and that consequently his portrait of Penn bears little or no resemblance to the original. These charges we propose now to examine in detail.

In this examination, we shall consider first the accusation based on his account of the character and public life of Penn, both because no other charge has been pressed so assiduously, and because there is no one which, if well founded, is so fatal to Lord Macaulay's reputation. If his adversaries have failed to make out a case here, it is fair to conclude that no other accusation of much importance can be established. No other point of attack offers such advantages to his critics, and they have used every effort which their ingenuity could suggest to make the attack successful. What is the result?

Time, which seldom fails to soften the asperities of contemporary judgment, has wrought a great change in the popular estimate of Penn. By many persons in his own age he was regarded with distrust, as one who had sacrificed his integrity to the love of wealth and station, and had made himself a will-

ing tool in the hands of arbitrary power. But the lapse of years and the cooling of party strife have produced a strong reaction; and a much more favorable estimate of him has been almost universally accepted by more recent writers of every party than was common in his own lifetime. "Rival nations and hostile sects," as Lord Macaulay remarks, "have agreed in canonizing him. England is proud of his name. A great commonwealth beyond the Atlantic regards him with a reverence similar to that which the Athenians felt for Theseus and the Romans for Quirinus. The respectable society of which he was a member honors him as an apostle. By pious men of other persuasions he is generally regarded as a bright pattern of Christian virtue." To question the soundness of an opinion which had obtained such currency required no small degree of courage; and so experienced a critic as Lord Macaulay would scarcely have attempted to substitute a new view without carefully considering the whole ground, and thoroughly weighing the arguments by which his positions were to be defended. This responsibility he fully recognized; and there is no portion of his History more carefully elaborated than the parts relating to Penn.

His estimate of Penn is too well known to need reproduction here. It will be sufficient, therefore, for our present purpose to observe, that while he recognizes the eminent virtues which Penn often exhibited, both in public and private life, — his sense of religious obligations, his desire to promote the happiness of mankind, his emancipation from some of the prejudices of his contemporaries, his justice and humanity as a legislator, and his freedom from pecuniary corruption, — Lord Macaulay does not overlook other facts of equal importance in forming a correct judgment as to the claims of Penn to retain the position which he has long held in the popular favor. He reminds us that Penn was not a man of vigorous intellect, and could not withstand the voice of flattery and the blandishments of power; that he possessed little skill in reading character, and often became the dupe of abler and less scrupulous men; that, in order to secure a temporary success to one principle, he was sometimes impelled to sacrifice another principle not less important nor less worthy of constant

recognition; and finally, "that he bore a chief part in some transactions condemned, not merely by the rigid code of the society to which he belonged, but by the general sense of all honest men."

The first of these transactions in which Penn is alleged to have taken part is the disgraceful affair of the maids of honor and the little girls of Taunton. The circumstances of this affair are now well known; but it will be proper to cite the precise language used by Lord Macaulay. We shall merely remark, by way of explanation, that on the occasion of Monmouth's entrance into Taunton, not long before the battle of Sedgemoor, a standard, gorgeously decorated with the emblems of royal power, was presented to him by a train of school-girls, under the direction of their teacher. After the suppression of the rebellion, the maids of honor determined to take advantage of the circumstance, and to extort a considerable sum of money from the parents of these children.

"Already some of the girls who had presented the standard to Monmouth at Taunton," says the historian, "had cruelly expiated their offence. One of them had been thrown into a prison where an infectious malady was raging. She had sickened and died there. Another had presented herself at the bar before Jeffreys to beg for mercy. 'Take her, gaoler,' vociferated the Judge, with one of those frowns which had often struck terror into stouter hearts than hers. She burst into tears, drew her hood over her face, followed the gaoler out of court, fell ill of fright, and in a few hours was a corpse. Most of the young ladies, however, who had walked in the procession, were still alive. Some of them were under ten years of age. All had acted under the orders of their schoolmistress, without knowing that they were committing a crime. The queen's maids of honor asked the royal permission to wring money out of the parents of the poor children; and the permission was granted. An order was sent down to Taunton that all these little girls should be seized and imprisoned. Sir Francis Warre of Hestercombe, the Tory member for Bridgewater, was requested to undertake the office of exacting the ransom. He was charged to declare in strong language that the maids of honor would not endure delay, that they were determined to prosecute to outlawry unless a reasonable sum were forthcoming, and that by a reasonable sum was meant seven thousand pounds. Warre excused himself from taking any part in a transaction so scandalous. The

maids of honor then requested William Penn to act for them; and Penn accepted the commission. Yet it should seem that a little of the pertinacious scrupulosity which he had often shown about taking off his hat would not have been altogether out of place on this occasion. He probably silenced the remonstrances of his conscience by repeating to himself that none of the money which he extorted would go into his own pocket; that if he refused to be the agent of the ladies they would find agents less humane; that by complying he should increase his influence at the court, and that his influence at the court had already enabled him, and might still enable him, to render great services to his oppressed brethren. The maids of honor were at last forced to content themselves with less than a third part of what they had demanded."

In confirmation of this statement, Lord Macaulay referred, among other authorities, to the correspondence between the Duke of Somerset and Sir Francis Warre, and to the following letter in the State-Paper Office.

"Whitehall, Feb. 13, 1685-6.

"MR. PENNE,—

"Her Majesty's Maids of Honour having acquainted me that they designe to employ you and Mr. Walden in making a composition with the Relations of the Maids of Taunton for the high Misdemeanour they have been guilty of, I do at their request hereby let you know that His Majesty has been pleased to give their Fines to the said Maids of Honour, and therefore recommend it to Mr. Walden and you to make the most advantageous composition you can in their behalfe.

"I am, Sir, your humble servant,

"SUNDERLAND."

This letter appears to have been first brought to light by Sir James Mackintosh, and is referred to by him in his "History of the Revolution of 1688," as a letter from "Lord Sunderland to William Penn." When that splendid fragment was given to the world, probably no one entertained the slightest doubt as to the correctness of this description of the letter; but since the publication of the first two volumes of Lord Macaulay's History it has been confidently asserted that the letter was not addressed to William Penn, but to a very obscure individual named George Penne. Of this man nothing is known beyond the fact, that for the sum of sixty-five pounds he bought a pardon for one Azariah Penny, the younger son of a dissenting minister, and that afterward he applied to the

government for permission to set up a lottery and license gambling-tables in the American Colonies. Yet on a mere conjecture that he is the person to whom Sunderland wrote rests the chief argument against the accuracy of Lord Macaulay's portrait of Penn, and on it two of his critics, Mr. Hepworth Dixon and Mr. John Paget, have not hesitated to base a charge of dishonesty. It is important, therefore, to examine the arguments which have been urged for and against the belief that William Penn was the agent employed in this transaction.*

In opposition to Lord Macaulay's view, it has been contended by Messrs. Dixon and Paget, that the name of the person to whom Sunderland's letter is addressed is spelled Penne, and that therefore this person cannot be William Penn; but it is scarcely possible to conceive of a less conclusive argument, or of one which more clearly shows the weakness of the case against the historian. As Lord Macaulay very justly observes, in an elaborate note first printed in the edition of his History published in 1858, no one who is familiar with the books and manuscripts of that period will attach much weight to such an argument as this.

"It is notorious," he says, "that a proper name was then thought to be well spelt if the sound were preserved. To go no further than the

* If we except Mr. Croker, of whom it was wittily said, on the appearance of his article in the Quarterly Review, that "he meant murder, but committed suicide," no one of Lord Macaulay's critics has been so sweeping in his animadversions as Mr. John Paget, the author of a small volume entitled an "Inquiry into the Charges brought by Lord Macaulay against William Penn," and of four articles in Blackwood's Magazine, all of which have been recently reprinted in a single volume, entitled "The New 'Examen,' or, an Inquiry into the Evidence relating to certain Passages in Lord Macaulay's History, concerning the Duke of Marlborough, the Massacre of Glencoe, the Highlands of Scotland, Viscount Dundee, William Penn." Of this writer we know nothing but what we gather from his book; but that little is sufficient. Though he makes loud professions of "honesty" in his Preface, we have never had occasion to deal with a less candid or a less trustworthy writer. A single passage from his first article may be cited, as showing the real spirit in which his book is written. "The love of Churchill and Sarah Jennings," he says, "seems to inspire Lord Macaulay with much the same feelings as those with which a certain personage, whom Dr. Johnson used to call 'the first Whig,' regarded the happiness of our first parents in the garden of Eden." Certainly no respectable writer would descend to such personal abuse as this; but we shall have abundant occasion to deal with Mr. Paget in the further course of our remarks.

persons who, in Penn's time, held the Great Seal, one of them is sometimes Hyde and sometimes Hide; another is Jefferies, Jeffries, Jeffereys, and Jeffreys; a third is Somers, Sommers, and Summers; a fourth is Wright and Wrighte; and a fifth is Cowper and Cooper. The Quaker's name was spelt in three ways. He, and his father the Admiral before him, invariably, as far as I have observed, spelt it Penn; but most people spelt it Pen; and there were some who adhered to the ancient form, Penne. For example, William the father is Penne in a letter from Disbrowe to Thurloe, dated on the 7th of December, 1654; and William the son is Penne in a news-letter of the 22nd of September, 1688, printed in the Ellis Correspondence. In Richard Ward's Life and Letters of Henry More, printed in 1710, the name of the Quaker will be found spelt in all the three ways, Penn in the Index, Pen in page 197, and Penne in page 311. The name is Penne in the Commission which the Admiral carried out with him on his expedition to the West Indies. Burchett, who became Secretary to the Admiralty soon after the Revolution, and remained in office long after the accession of the House of Hanover, always, in his Naval History, wrote the name Penne. Surely it cannot be thought strange that an old-fashioned spelling, in which the Secretary of the Admiralty persisted so late as 1720, should have been used at the office of the Secretary of State in 1686."

The attempt, therefore, to disprove Lord Macaulay's view by any argument based on the mere spelling of the name, must be pronounced a failure, and we are driven to a consideration of the probabilities of the case. Now, it is certain from the tenor of the letters of the Duke of Somerset to Sir Francis Warre, that the transaction was regarded as one of sufficient magnitude to require a person of character and influence to act as the representative of the maids of honor; and in the last of his letters the Duke of Somerset intimated to Sir Francis Warre, in clear and unequivocal language, that, if he would lend to the negotiation the countenance of his name, he might employ an inferior person to do the principal part of the business. Sir Francis either did not give an answer in writing, or it has not been preserved; but the family tradition is, that he refused to have anything to do with so scandalous a proceeding. Accordingly it became necessary to find a new agent; and two or three weeks afterward the Secretary of State wrote the letter to Mr. Penne. If that letter was ad-

dressed to George Penne, it is impossible to avoid the conclusion, that within this interval the maids of honor and their advisers had entirely changed their views, and that they no longer wished to employ an agent of personal and political influence. But no evidence has been adduced to show that such a change took place; and there is no valid reason for supposing that any change whatever could have occurred, either in the position of affairs or in the views of any of the parties. If it was desirable to have a well-known and influential agent when the Duke of Somerset wrote to Sir Francis Warre, it was not less desirable to have such an agent when the Earl of Sunderland wrote his letter; and if this was desirable at either date, George Penne was not such a person as either Somerset or Sunderland would have selected. A man who was never trusted with a hundred pounds, so far as we know, was not likely to be employed about an affair which involved the collection and disbursement of several thousand pounds. A man who was so obscure as to be almost never mentioned in contemporary documents was not likely to be asked by one of the king's principal Secretaries of State to take charge of a negotiation which was not thought by the Duke of Somerset to be below the dignity of a member of Parliament.

On the other hand, it is certain that William Penn was such a man as Sunderland would be likely to ask; and from his complaisant temper, he was likely to give a ready assent to such a proposition. He was, as Lord Macaulay remarks, "during the reign of James II. the most active and powerful solicitor about the court." He was known everywhere; he was rich; and as he had the king's ear, he was likely to be feared by the parents from whom money was to be extorted. While there is nothing in the letter, therefore, or in the character and position of George Penne, to lend probability to the supposition that he was the person addressed, all the circumstances of the case point conclusively to William Penn, and fully justify the assertion of Sir James Mackintosh that this letter was addressed to him, and the refusal of Lord Macaulay to withdraw the accusation based on it.*

* It was one of the peculiar advantages which Lord Macaulay enjoyed in the preparation of his History, that he was intrusted with the materials collected by

But this is not the only instance in respect to which Lord Macaulay is said to have dealt unfairly with Penn. Thus, in speaking of the efforts which were made to induce William Kiffin to exert his influence over the Baptists in support of the unconstitutional measures of James, the historian adds, that "Penn was employed in the work of seduction, but to no purpose." In answer to this, Mr. Dixon cites a few words from a passage in Kiffin's Memoirs which, as thus given, certainly imply that Penn was acting a friendly part in behalf of Kiffin rather than the part of a tempter. But we have rarely seen a more unfair use of an authority. The whole passage not only does not sustain Mr. Dixon's view, but it proves exactly the reverse, and fully confirms Lord Macaulay's accusation. It is in these words: "I used all the means I could to be excused, both by some lords near the king, and also by Sir Nicholas Butler and Mr. Penn. But it was all in vain; I was told that they knew I had an interest that might serve the king, and although they knew my sufferings were great, in cutting off my two grandchildren and losing their estates, yet it should be made up to me, both in their estates, and also in what honor or advantage I could reasonably desire for myself. But, I thank the Lord, these proffers were no snare to me."

Again, in the account which Lord Macaulay gives of Penn's connection with the affairs of Magdalene College, his critics have attempted to discover several errors of statement. But to each of these allegations he has given an unanswerable refutation in the additional notes to the edition of his History published in 1858. For instance, he says: "Penn had an interview with Hough and with some of the Fellows, and, after many professions of sympathy and friendship, began to

Sir James Mackintosh when the latter meditated a similar work. No one can read a page of either of the historical fragments of that great man without admiration for his learning, his eloquence, and the candor of his judgment, and without a feeling of profound regret that he left no finished work to bear adequate testimony to his splendid powers. Of the worth of the materials collected by him, Lord Macaulay says: "I have never seen, and I do not believe that there anywhere exists, within the same compass, so noble a collection of extracts from public and private archives. The judgment with which Sir James, in great masses of the rudest ore of history, selected what was valuable, and rejected what was worthless, can be fully appreciated only by one who has toiled after him in the same mine."

hint at a compromise." The latter part of this statement is denied, and, in support of the denial, an extract from Dr. Hough's letter is produced. But in this citation, as in the one just noticed, the whole paragraph bears a very different sense from that which necessarily attaches to the first half of it when taken alone. Dr. Hough writes: "I thank God, he did not offer any proposal by way of accommodation; only once, upon the mention of the Bishop of Oxford's indisposition, he said, smiling, 'If the Bishop of Oxford die, Dr. Hough may be made Bishop. What think you of that, gentlemen?'" Mr. Hepworth Dixon suppresses all after the semicolon; and Mr. John Paget justifies the suppression.

It is by such arguments and such misquotations that these two writers have attempted to impugn the trustworthiness of Lord Macaulay's History; but if his delineation of Penn is to be made the test, no intelligent and fair-minded person can hesitate to admit that his reputation as an accurate and trustworthy writer has not yet been shaken. In respect to every one of the points named, he has satisfactorily vindicated himself in his additional notes; and though his account of Penn is very strongly colored, there is as yet no reason to doubt that it presents a correct portrait, warranted by well-authenticated facts.

Next in magnitude is the charge that he has deliberately falsified history in his account of John Churchill, Duke of Marlborough. But the arguments adduced in support of this charge are even weaker than those urged in support of the accusation relative to his account of William Penn. For instance, Lord Macaulay says that Marlborough's "education had been so much neglected that he could not spell the most common words of his own language; but his acute and vigorous understanding amply supplied the place of book-learning." Mr. John Paget, who refers to this passage in support of some of his strictures on Lord Macaulay's History, does not venture to meet the statement by an explicit denial; but he does venture to assert, by way of a reply, that "it is sufficient to observe, that he [Marlborough] was educated at St. Paul's school, and that his despatches show that, at any rate, he was a proficient in Latin, French, and English composition." Now,

if the writer meant anything by this language, he meant that his readers should draw from it an inference unfavorable to Lord Macaulay's veracity. Against every such inference we set the positive testimony of a witness who is above suspicion. In one of his letters to his son, Lord Chesterfield writes, that he knew the Duke of Marlborough "extremely well," and that "he was eminently illiterate, wrote bad English, and spelled it still worse." Again: Lord Macaulay has described, in one of his most brilliant paragraphs, that insatiable avarice which every one knows was the predominant trait in Marlborough's character. In order to weaken the force of this description, we are reminded that Marlborough when a young man married a poor girl, and that through life he cherished for her a fervent affection. But surely it needs very little familiarity with human nature to teach us that love is often a stronger passion than avarice, and that not a few embryo misers have married penniless girls. Equally in vain and aside from the real question is it to repeat, as proofs of "disinterestedness and generosity, public and private," that Marlborough declined, "when in poverty and disgrace, to accept of the generosity of the Princess Anne," that he refused "the government of the Netherlands, with its princely income of £60,000 a year," that he was generous to "young and deserving officers," that he gave money to "the wounded officers of the enemy after the battle of Malplaquet," and that he provided "during his own lifetime for his children." He may have done all this, and still have been parsimonious and have loved money more than he loved pleasure or honor; for there is nothing in these alleged proofs of "disinterestedness and generosity" which is incompatible with such a disposition. His refusal to accept of pecuniary assistance from the Princess Anne really shows a regard for his own interests, rather than a spirit of self-sacrifice. The rupture between Mary and her sister had been occasioned by the injudicious advice given to the latter by the Churchills; and their own disgrace had been the penalty. If Marlborough, under these circumstances, had become a pensioner on Anne, he would have still further incensed the government which it was his interest to conciliate, while he could have gained only a paltry sum. Moreover,

the exhibition of so rapacious a temper would have afforded to his enemies a welcome theme of remark, which they would have known how to use in the event of Anne's succeeding to the throne, even if an estrangement did not sooner occur between Anne and her friend. Again: Marlborough's refusal to accept the government of the Netherlands was owing to the strenuous opposition of the Dutch, and Marlborough was too sagacious to undertake the government of the Provinces in the face of such formidable obstacles as their opposition would have created. His provision for his children was not liberal in the ordinary acceptation of the term, and was more than equalled by the generosity of Anne toward them, both before and after she came to the throne. His private charities were inconsiderable in amount, as even his biographer, Archdeacon Coxe, admits, though for many years he possessed an immense annual income, and at his death left an estate of more than a million and a half pounds sterling.

In regard to only one point has any argument deserving serious notice been brought forward, and even in this instance a careful consideration of the subject will show that Marlborough's conduct admits of no defence. We refer to his treachery in informing the French government of the intended expedition against Brest. The circumstances connected with this nefarious transaction have long been known to every one who has studied this period of history, and the only difference between Lord Macaulay's account of it and the narratives of other historians is in the greater dramatic power shown in the former. A brief recital of the chief circumstances is therefore all that is necessary here. In the spring of 1694, while England was at war with France, preparations were made by William for a combined military and naval expedition, the destination of which was kept a profound secret. "The design, and the preparations for it," says Bishop Burnet, "were kept so secret, that there was not the least suspicion of the project, till the hiring transport ships discovered it." This account is confirmed by a despatch from L'Hermitage, dated May 15–25, in which, after alluding to various rumors as to the design of the expedition, the writer adds: "De tous ces divers projets qu'on s'imagine aucun n'est venu à la cognois-

sance du public." At length Marlborough discovered the important secret, and, with a baseness which it is difficult to characterize in too severe language, he immediately wrote to James, revealing to him the whole plan so far as he was informed of it. His letter states that he had been for some time endeavoring to ascertain the design of the expedition, and that he had but just learned the facts which he now communicated. His letter was sent to James under cover of one from Colonel Sackville, a Jacobite agent in England, to Lord Melfort, James's principal adviser, in which Sackville vouches for the importance of the information in words that show very clearly how well the secret had been kept. "I send it by an express," he writes, "judging it to be of the utmost consequence for the service of the king, my master, and consequently for the service of his Most Christian Majesty." The intelligence was communicated at once to the French government; and, as the English fleet was delayed nearly a month by adverse gales, ample time was afforded for erecting batteries at every available point, and for gathering a large army at Brest. When the English fleet appeared in Camaret Bay, near the mouth of the harbor, they found the coast bristling with cannon. Nevertheless an attack was made, which resulted in the death of General Talmash. About eight hundred of his men were also killed or mortally wounded. At a very early period the failure of this expedition and the death of its gallant leader appear to have been ascribed to treachery. But, as the historian remarks, "the real criminal was not named; nor, till the archives of the House of Stuart were explored, was it known to the public that Talmash had perished by the basest of all the hundred villanies of Marlborough."

Various attempts have been made to palliate the conduct of Marlborough in making this communication to the enemy, but without success. No human ingenuity can alter the character of such a transaction, or make it appear less villanous than it has been almost universally considered. Coxe, who must have consulted the original documents, could find no better way of defending Marlborough than by suggesting that he was guilty of a double treachery. "From the time and circumstances of the communication," he says, "we are in-

clined to regard it in no other light than as one of the various expedients adopted by Marlborough and others to regain the good-will of their former sovereign, that their demerits might be overlooked in the event of a restoration." In other words, we are to infer that Marlborough kept back the information until he knew that it was too late to be of any worth, and that then he communicated it to James, so that in any event he might be in favor with the successful party. "But this," as Lord Stanhope justly remarks, in his strictures on Marlborough's treachery, "would only be a further refinement of perfidy." With the same purpose of shielding Marlborough, it has been asserted that the news was unimportant, because it was previously known to the French court; but we have already shown that the real destination of the fleet had been kept a close secret; and even if the French government had surmised from any circumstance in the early history of the war, or had learned through the treachery of some other person, that the expedition known to be fitting out at Portsmouth was intended to operate against Brest, it would not affect the character of Marlborough's letter, or render his conduct less deserving of the severest censure. The fact would still remain, that he betrayed the secrets of his own government to an enemy; and it is scarcely worth while to discuss such secondary questions as whether Talmash's death was occasioned by Marlborough's treachery, by the treachery of Godolphin or of some one else, or by the prudence and forethought of the French government, already prepared for the emergency, but animated to fresh exertions by Marlborough's letter.

Another celebrated person whose character has been painted in very dark colors by Lord Macaulay is John Grahame of Claverhouse, Viscount Dundee, next to Montrose the most distinguished leader of the Scotch Cavaliers. Dundee, was bold, enterprising, and courageous, as well as cruel, vindictive, and headstrong; and by his contemporaries he was variously regarded according to the political predilections which each person cherished. These diversities of judgment have descended to our own time, and even now the romantic devotion which he exhibited for the cause of the fallen Stuarts

finds many admirers. It is not surprising, therefore, that several Scotch writers of Tory proclivities should have attempted to discredit Lord Macaulay's representation, and to gloss over the severities committed by Dundee. Their strictures, however, have been mainly confined to a single point, Lord Macaulay's account of the murder of John Brown, "the Christian Carrier." For the details of this transaction he relies for the most part on Wodrow, the great authority for the history of the Covenanters at this period, though he appears to have drawn one or two facts from other sources. In no important particular does his account differ from that given by Wodrow; and we may add, that Wodrow's account differs but little from the narrative published a few years afterward by Patrick Walker, while it is also confirmed in part by Dundee's own statement. The only material discrepancy between Wodrow and Walker is in respect to the personal agency of Dundee in Brown's death. The former says, that Claverhouse, "in a fret, shot him with his own hand." Walker, on the contrary, says only that "Claverhouse ordered six soldiers to shoot him," and leaves us to infer that this order was executed. Lord Macaulay's attention was called to this discrepancy by Mr. Aytoun as early as 1849 or 1850, but he does not appear to have attached any importance to it. He made no change in the text of his History; nor did he refer to the subject in the additional notes inserted in the edition of 1858, though he adopted several of Mr. Aytoun's corrections in other parts of the History. Moreover, Wodrow's narrative was extensively circulated among his friends in manuscript before its publication, and it is scarcely probable that any important error would have escaped notice. For this reason, among others, we are inclined to think that Lord Macaulay was justified in adhering to Wodrow's statement. It is also worthy of remark, that Walker was personally hostile to Wodrow, and would gladly have contradicted him if he could. His failure to contradict him, except in regard to one incident, must therefore be considered as a strong confirmation of the truth of Wodrow's narrative. Yet one critic, Mr. Aytoun, endeavors to soften down the character of this dastardly murder by calling it a "military execution," and even goes

so far as to hazard the opinion that Dundee "was not present at the execution of John Brown." Since Mr. Aytoun's criticism was printed, however, Dundee's original despatch to the Duke of Queensberry has been brought to light, and forever sets this supposition at rest. "On Friday last," he writes, "amongst the hills betwixt Douglas and the Ploughlands, we pursued two fellows a great way through the mosses, and in the end seized them. They had no arms about them, and denied they had any. But being asked if they would take the abjuration, the eldest of the two, called John Brown, refused it; nor would he swear not to rise in arms against the king, but said he knew no king. Upon which, and there being found bullets and match in his house, and treasonable papers, I caused shoot him dead; which he suffered very unconcernedly." Another writer, Mr. Paget, attempts to palliate Dundee's conduct by blackening Brown's character, and by repeating Mr. Aytoun's phrase, that it was "simply a military execution." He asserts that Brown's "peaceableness was shown by his being in arms at Bothwell; his piety, by shouting, 'No quarter for the enemies of the Covenant,' — by rallying round the gibbet and the ropes prepared for the 'bloody militiamen and malignant troopers,' over whom the Lord would have given them an easy victory, but for their 'stepping aside' in sparing the five 'brats of Babel' at Drumclog, — and by providing a secure hiding-place for men and arms to be used for future slaughter." We have not been able to discover on what authority these aspersions are based, unless they are to be inferred from an ambiguous expression in Dundee's despatch. Dundee is writing of a conversation held with Brown's nephew after the poor man's death, and, after giving some details, he adds: "In the time he was making this confession the soldiers found out a house in the hill, under ground, that could hold a dozen of men, and there were swords and pistols in it; and this fellow declared that they belonged to his uncle, and that he had lurked in that place ever since Bothwell, where he was in arms. He confessed that he had a halberd, and told who gave it him about a month ago, and we have the fellow prisoner." From the careless use of the pronoun "he" in this passage, it is impossible

to determine who was in arms at Bothwell, John Brown or "his nephew," though the most obvious reference would seem to be to the latter; and there is certainly no evidence that the "swords and pistols" were designed for any other purpose than self-defence. But, even if this alleged confession of the nephew is to be regarded as affording evidence that John Brown was at Bothwell, it affords no justification of Dundee, who learned the fact only after Brown had been shot.

It has also been alleged that Lord Macaulay has caricatured the Highlanders, and that the celebrated description of them in the third volume has no real foundation; but the attempt to substantiate this charge has signally failed. No honest opponent pretends that he has drawn on his imagination for his facts, or that he has misquoted his authorities. It has been asserted, however, that these authorities are Cockneys, and that they were so prejudiced as to be unable to give a trustworthy description of a wild and uncultivated country like Scotland. But it is necessary merely to observe, that they describe only what they themselves saw, and that there is nothing intrinsically improbable in their statements. Rude tribes, as the Highland clans were in the seventeenth century, are likely to exhibit precisely those characteristics which are here ascribed to the Highlanders; and even at a comparatively recent period the lower classes of the Scotch bore such a resemblance to Lord Macaulay's sketch as to show that the picture is but little exaggerated, even if it is not, as we believe that it is, abundantly confirmed in every important particular. Yet Mr. John Paget, at once the weakest and the most unscrupulous of Lord Macaulay's critics, does not hesitate to call it a "malignant lampoon," and to speak of it as "this gross caricature, this shameless libel, this malignant slander, this parricidal onslaught by a son of the Highlands on the people and the land of his fathers." *

* We must give one more instance of Mr. Paget's dishonesty. Lord Macaulay, in speaking of the "Northern Memoirs" of Richard Franck, says: "Five or six years after the Revolution an indefatigable angler published an account of Scotland." On this, Mr. John Paget asserts that Lord Macaulay is "wrong as to the date," and proceeds to say: "The book was written in 1658, thirty years before the Revolution, instead of six years after." The remark is utterly irrelevant. Lord Macaulay says nothing about the time when the book was written: he merely says that it was published in 1694, and his statement is correct.

The next charge which we propose to examine also relates to his treatment of Scotch history, and proceeds from a party directly at issue with the admirers of Dundee and the Highlanders. By the Scotch Presbyterians it has been asserted that he has done great injustice to the Covenanters; but this complaint is against the whole coloring of his narrative, rather than against particular statements. There are, however, two or three points in Hugh Miller's criticism which are worthy of a passing notice. For instance, Lord Macaulay says that the Western Covenanters "had never heard any achievement in the history of their own country more warmly praised by their favorite teachers than the butchery of Cardinal Beatoun and of Archbishop Sharpe." This, the critic tells us, is "simply untrue." How far it is "untrue" may be inferred from a single extract from the writings of Alexander Shields, chaplain of the Cameronian regiment. Speaking of the murder of Sharpe, he says, in the "Hind Let Loose," that the Archbishop "received the just demerit of his perfidy, apostasy, sorceries, villanies, and murders,—sharp arrows of the mighty and coals of juniper. For upon the 3d of May, 1679, several worthy gentlemen, with some other men of courage and zeal for the cause of God and the good of the country, executed righteous judgment upon him in Magus Muir, near St. Andrews."

Again: the writer takes exception to the account of the trial and execution of Thomas Aikenhead for blasphemy; but a comparison of Lord Macaulay's statement, Miller's own narrative, and the authorities quoted by the former, shows how little reason there is to complain of the language of the historian. It is impossible to gloss over the transaction, or to show that it was anything but a judicial murder; and Lord Macaulay's assertion, that the ministers, "even from their pulpits, cried out for cutting him off," is fully sustained by a letter printed in the appendix to Aikenhead's trial in the thirteenth volume of Howell's "State Trials," in which nearly the same words occur.* A third objection which Mr. Miller

* Allusion is apparently made to Hugh Miller's criticism in a note which Lord Macaulay added to the edition of his History published in 1858. He says: "Some idle and dishonest objections which have been made to this part of my narrative have been triumphantly refuted in a little tract entitled 'Thomas Aikenhead,' by Mr. John Gordon." We have not seen this tract; but any discussion of a point which is in itself so clear seems quite unnecessary.

prefers against Lord Macaulay's treatment of the Scotch Covenanters is based on the language employed by the historian in describing the feelings of the Established Church in England toward the Presbyterians at the period of the debates on the Comprehension Bill. If Lord Macaulay entertained the opinions which he thus ascribes to the Episcopalians, the criticism would be perfectly just, and by some unexplained process of reasoning the critic appears to have satisfied himself that such was the fact. But no one who is familiar with the History will agree with him. The whole structure of the passages referred to shows that the historian is merely recording in his own language the opinions and arguments of the persons whom he is describing; and it is utterly absurd to hold an historian responsible for the correctness of opinions thus expressed. All that we have a right to demand of him is that he shall state those opinions faithfully. This Lord Macaulay has certainly done; and there is no part of his History more admirably executed than are those portions in which he describes the feelings of the various parties in church and state, whether he sympathizes with them or not.

The Scotch Presbyterians, however, are not alone in their complaints as to the manner in which Lord Macaulay has described the religious teachers of the last half of the seventeenth century. Immediately on the appearance of his first two volumes he was charged with having drawn a false and distorted picture of the character and social position of the rural clergy of the Church of England in the reign of Charles II.; and for some time this celebrated description afforded a favorite theme for the strictures of unfriendly critics. But the charges based on it are now generally given up as untenable; and we suppose that there are few intelligent and candid readers who do not admit the accuracy of his representation. Within the last ten years much evidence has come to light, showing that even at a period within the memory of persons still living many of the rural clergy were men of extreme ignorance, in no respect superior to their parishioners, and with stipends entirely insufficient for their support. Lord Macaulay was the first to call attention to facts which are now well known; and the real merit of this part of his His-

tory consists quite as much in the novelty of his statements, as in the consummate skill with which he has arranged his materials.*

From the same class of persons by which this complaint was urged we have another charge, that Lord Macaulay has misunderstood and misrepresented the character of Cranmer and of the founders of the Church of England. In reference to the first part of this allegation, it will be sufficient to quote the admission of Dr. Philpotts, Bishop of Exeter, one of the most inflexible Churchmen in England. "Of Cranmer himself," he says, in his first letter to the historian, "I am not much disposed to quarrel with your character, severe as it is." The second part of the charge is not based on any alleged misstatement of facts, and relates merely to matters of opinion. It formed the principal topic in the series of letters addressed by the Bishop of Exeter to Lord Macaulay, in January, 1849, and recently published in a pamphlet; and as the Bishop expressly says that he believes Lord Macaulay is "incapable of making an illusory quotation," it is not surprising that the subject should be left very much as it was at the beginning of the correspondence. The charge turns on the interpretation to be placed on certain printed documents and on the intention of the founders of the Church in certain well-known proceedings. The only concession made by either writer is contained in the first paragraph of Lord Macaulay's second letter. "Before another edition of my book appears, I shall have time to weigh your observations carefully, and to examine the works to which you have called my attention. You have convinced me of the propriety of making some alterations. But I hope that you will not accuse me of per-

* Since we began this article we have accidentally met with some additional testimony which confirms the accuracy of Lord Macaulay's description, and is worthy of a passing reference. In the third volume of Mrs. Delany's Correspondence is an account of a country clergyman of the Established Church, who, even in the middle of the last century, had an annual income of less than one hundred dollars, and who seems to have been in most respects in as low a social position as any of the men painted by the historian. In the Introductory Chapter of the Second Series of Dean Ramsay's "Reminiscences of Scottish Life and Character," that gentleman describes, from personal recollection, an English clergyman who might almost have sat for the portrait in Lord Macaulay's third chapter.

tinacity if I add, that, as far as I can at present judge, those alterations will be slight, and that, on the great points at issue, my opinion is unchanged." The result of the correspondence is precisely what might have been anticipated; and we do not believe that the opinions of any person who was previously acquainted with the subject will be much affected either by Lord Macaulay's statements or by the Bishop's strictures on them. It would seem, indeed, from a comparison of the passages in the first edition of the History, on which Dr. Philpotts based his objections, with the corresponding paragraphs in the fourth edition and in the edition of 1858, that a more careful consideration of the subject confirmed Lord Macaulay's opinions, rather than weakened them. In each of the two later editions to which we have referred, there are a few verbal corrections; but not one of them indicates a change of opinion as to the facts narrated, or as to the significance of those facts. We need scarcely add, that we entirely concur in the views expressed by Lord Macaulay at the outset.

The only remaining charge worthy of notice is based on his remarks relative to William's connection with the massacre of Glencoe, and on an alleged inclination on his part to deal gently with the king's faults and vices. To his account of the transactions in the valley of Glencoe no just exception can be taken. He has painted all the horrors of that atrocious crime in colors that will endure as long as any narrative in the English language shall convey an intelligible meaning to the reader. And he has not attempted to shield the Master of Stair, Breadalbane, and Argyle, nor any of their subordinate agents, from the severe judgment which their infamy invites. This praise no honest reader or critic will withhold from Lord Macaulay's narrative. But in one important particular we cannot follow him with satisfaction. While he has spoken of those who planned and executed this nefarious plot in terms which need no qualification, he has labored to lessen the responsibility justly attached to William, by whose authority they did everything. There is not a particle of evidence, indeed, that William knew, when he signed Dalrymple's order, that MacIan had taken the oath; and he must therefore be held innocent of that thirst for blood which Dalrymple exhib-

ited in not recognizing the validity of MacIan's submission. But we entertain no doubt that he fully understood the purport of the order presented for his signature, and that he attached a very different meaning to the word "extirpate" from that which Lord Macaulay endeavors to import into it. Ignorance of Dalrymple's intentions cannot, we think, be imputed to William; and even if it could be, it would afford no justification of his share in this transaction. Dalrymple devised the plan, and gave the necessary orders for its execution; but still it must be conceded that he could have done nothing without William's sanction. To these considerations Lord Macaulay does not appear to have given sufficient weight, and his arguments are less satisfactory here than in any other part of his History.

Beside this objection to the historian's treatment of these memorable events, Mr. Paget has brought forward several dishonest and frivolous objections to different parts of the narrative. To the former class belong all, or nearly all, his strictures on the alleged mistakes of Lord Macaulay; and in the latter must be included much the larger part of his remaining criticisms. For instance, in referring to Mrs. Grant's "Letters from the Mountains," Lord Macaulay writes: "I quote Mrs. Grant's authority only for what she herself heard and saw. Her account of the massacre was written, apparently, without the assistance of books, and is grossly incorrect. Indeed, she makes a mistake of two years as to the date." On this Mr. Paget remarks, with characteristic effrontery: "Her mistake as to time, which Lord Macaulay condemns so harshly, is a mistake of six weeks, — not, as he asserts, of two years." The truth is, her mistake is a mistake of more than two years. In a letter to Miss Reid, dated May 17, 1773, which is the letter referred to, she writes: "In the year 1694, or later, it was required, that all heads of tribes, in that district, should take the oaths to government at Inverary." And a few lines farther on, in describing the quartering of the soldiers among the clansmen, she writes: "This happened in the joyous days of Christmas, when it is, if ever, that these people have plenty and good cheer." The date given by Mrs. Grant is certainly not earlier than Christmas, 1694: the true date of the mas-

sacre is February 13, 1692. Again, Mr. Paget distinctly denies that Dalrymple was unfriendly to schemes of reconciliation; and without doubt there are several passages in his published letters in which he makes loud professions of moderation. But there is abundant evidence under his own hand to show that he was strongly disposed to "root out" some of the clans; and in the face of this evidence it is impossible to deny or doubt the accuracy of Lord Macaulay's representation. But it is not worth the labor to track Mr. Paget through all his mistakes and misrepresentations, and we have already given a sufficient number of instances to show the worthlessness of his criticisms.

That Lord Macaulay has fallen into some mistakes as to matters of fact will be readily conceded, even by his warmest admirers; but his mistakes are neither numerous nor important. Some slight errors of detail, indeed, were discovered on the first appearance of the work, and are corrected in the later editions; but not one of them affects his trustworthiness as an historian. In respect to the principal charges brought against him, it is to be observed that there is not one which will bear the test of a critical examination, or which does not relate to mere matters of opinion on questions always warmly debated. His volumes have been subjected to the severest criticism which personal and party hostility can inspire, and the fact that no important error has been discovered affords the strongest ground for a belief in his accuracy of statement and his fidelity in the discharge of his duties as an historian.

No attempt, we may add, has been made to refute the general judgment pronounced by him as to the character of the men and the measures that pass in review before him; and this after all is the real test of his merits. A mousing criticism may detect an error in spelling a name in one place, or in recording a date in another; but these defects are readily corrected, and do not often affect the substance of the narrative. If criticism stops here, and can take no just exception to the soundness of the views presented, and to the general coloring of the narrative, an historian need have little fear as to the permanent reputation of his work. We are led to remark, therefore, that among the chief merits of Lord Ma-

caulay's History is to be placed the soundness of his views on all the great questions which must be discussed in any history of the Revolution of 1688 and the period immediately following it. He has performed the service which Mackintosh and Fox attempted, but did not live to accomplish; and he has dissipated forever the false lights which Hume's sophistries had gathered around the Stuarts. The history of that period has never been narrated with such skill, and never before has its real character been more truly and more justly represented.

The question is sometimes asked, whether Lord Macaulay is greater in his History or in his Essays; and this question may at the first sight appear to present some difficulties. But these difficulties are more apparent than real. His Essays are without doubt the finest productions of the kind in our language, and no one can read them without admiration of the writer's vast learning, the force of his reason, the brilliancy of his imagination, and the magnificent sweep of his style. The best of his Essays will, it is probable, be always read; and no subsequent writer can hope to surpass by any similar effort the papers on Warren Hastings, on Clive, on Addison, on Lord Chatham, and on the younger Pitt. But the historian has to paint a broader picture, to deal with more complicated relations, to illustrate a wider range of topics, and to exhibit the connection of cause and effect through a much longer period, than can properly come within the province of the essayist. A higher order of ability is therefore requisite in a great historian than in a great essayist; and the writer who composes a history of permanent interest and worth will maintain a higher place in literature than the most successful essayist. That Lord Macaulay has written such a history admits of no doubt. The "History of England" exhibits the best qualities of his Essays in their mature development, and it adds to them an equally satisfactory exhibition of those other qualities for which there is no room in an essay, but which give character to a history. English literature would have wanted some of its richest treasures if Lord Macaulay's Essays had not been written; but the loss would have been far greater if his theory of historic excellence had

not found expression in the History, the last and grandest production of his transcendent genius.

If we compare him with the most eminent of those who before his time had acquired distinction in the historical literature of England, — with Hume, Gibbon, Robertson, and Hallam, — we shall find that he was not less philosophical in his disquisitions, while he was far more trustworthy in his narrative, than the first; that he was not less learned and accurate, while he was far more impartial, than the second; that his style is not less luminous, while it is far more animated and picturesque, than that of the third; and that he was not less judicious in the formation of his opinions, while he was far more eloquent in the statement of them, than the last. If we compare him with Grote, the greatest of his living contemporaries in England, we shall find that he had studied his authorities with equal diligence, and that he brought to the investigation of his subject powers of analysis equally great, while he was far less under the influence of preconceived opinions. Among the German historians, many rival him in depth and variety of information; but not one of them possesses such plastic power of imagination, or can fuse his materials into a narrative so lucid and so full of interest. In France we have the great names of Sismondi, Michelet, Henri Martin, Guizot, and Thiers, with whom he may be justly compared. But in spite of the manifold excellences of Sismondi, few persons now read his voluminous pages; Michelet's glowing narrative always charms and fascinates, while his arguments often fail to convince, and his readers are seldom converted to the views which he propounds with such wonderful brilliancy; Henri Martin's great work is a production of much learning and ability, and has obtained a high degree of popularity, but, like many French histories, it is written to illustrate and defend a particular theory, and some parts of it are open to severe criticism; of Guizot's profound and various erudition, of his candor, and of his immense services to historical literature, we can never speak except in terms of admiration, but he was deficient in brilliancy and animation, and his place among French historians is precisely the same as that which Hallam occupies in English literature; on the other hand,

Thiers is an eloquent advocate, and though his books are read with pleasure, their partisan tone is too obvious for them ever to hold the first rank. Certainly not one of these great writers is at once so learned, so trustworthy, and so brilliant as the author of the "History of England." On this side of the Atlantic, two names will at once occur to every one as altogether worthy to be named in this connection, — Prescott and Motley. If we compare Mr. Prescott's last and greatest work with Lord Macaulay's History, it will be readily admitted that the "History of the Reign of Philip II." is the more interesting fragment of the two; but we miss in it those profound discussions for which Lord Macaulay was so admirably qualified by his various experience in public life, and it does not exhibit that boundless wealth of information on every conceivable topic which we find in the more voluminous work of the great English historian. Mr. Motley's earlier volumes were much inferior to his last two; and we must await the completion of his labors before pronouncing a judgment as to the comparative rank of a writer, who, while still a young man, has achieved a reputation so solid and so brilliant, and whose future is richer with promise than is that of any other living historian. We may observe now, however, that he has prosecuted his inquiries as diligently and faithfully as Lord Macaulay, and has sought to establish the truth of history with an equal devotion; but he often suffers his judgment to be biassed by his sympathies, and his style has not yet acquired that ease and dignity of movement which no historian can safely neglect.

From this rapid comparison of Lord Macaulay with the most eminent modern historians, we are irresistibly led to the conclusion, that in a certain rare combination of qualities of the first importance to an historian he is superior to them all. By the original structure of his mind he was pre-eminently qualified to become a great historian; and his early studies, not less than the public duties of more mature years, were singularly suited to create and nourish the habits of mind which are indispensable to the formation of such a character.

ART. VII. — *The Monks of the West, from St. Benedict to St. Bernard.* By the COUNT DE MONTALEMBERT. Authorized Translation. In Two Volumes. Edinburgh and London: William Blackwood and Sons. 1861. 8vo.

THE work of which this is a translation was reviewed in our pages shortly after its appearance. We have placed the English version at the head of the present article, in order to present a somewhat fuller sketch than M. de Montalembert gives of the rise of monastic institutions in the East, and especially of the life and services of St. Anthony, the founder and father of Christian monasticism.

Nowhere was Christianity more generally diffused in the third century than in Egypt; but at the same time it nowhere encountered more corrupting influences, being brought face to face, on the one hand, with a philosophy which consented to take on the new religion rather than submit to it, and, on the other, with the wild and sombre superstitions native to the soil. Christian doctrine among the more cultivated was crystallized in Platonic moulds; Christian life among the less cultivated ran perpetually into asceticism. Illustrious before all others among the latter class was Antonius, or St. Anthony, as he is commonly called. He was born about the year 251, in the little village of Coma, on the confines of the Thebaid, or Upper Egypt. He belonged to an old Coptic family, and there is reason to believe that he remained through life ignorant of the Greek, and, indeed, of every language except the Coptic, in which there already existed a version of the Old and New Testament. He received a simple, pious education, but no literary training. It has been currently stated by ecclesiastical historians, that he never learned to read, but committed the entire Bible to memory by hearing it read. This impression, however, seems to have originated from the too literal interpretation of a single sentence in his Life by Athanasius, — a sentence whose apparent import is contradicted by subsequent passages in the same work.

Before he had completed his twentieth year his parents died, and he was left with an ample fortune, and the sole

guardianship of a younger sister. His wealth was from the first a perplexity and a burden to him; and one day, as he was meditating on the contrast between himself and the primitive Christian community, whose members gave up their property, and had all things in common, he entered a place of worship, and heard for the Gospel of the day the story of the rich young man who came to Jesus. He took the lesson to himself in its literal sense. He gave his landed estate to the inhabitants of the village, on the sole condition that he and his sister should never be called on for taxes. He sold all his movable property, and, reserving a scanty provision for his sister, distributed the residue of the proceeds among the poor. Shortly afterward, hearing from the Sermon on the Mount the Saviour's injunction to take no thought for the morrow, he gave to the poor the remnant of his property that he had reserved for his sister, and commenced a life of rigid asceticism.

His first residence was not far from his native village, in a grotto which had served as a tomb. At the age of thirty-five he repaired to a deserted and dilapidated tower, in which he lived as a hermit for twenty years. Here he tilled a little patch of ground, and raised vegetables for his own use and for the refreshment of his occasional visitors. He also wove baskets, which he compelled those who at times brought him food to receive in exchange for their benefactions. In both these residences he represented himself as having been engaged in frequent personal conflicts with the powers of darkness, and as having received bodily harm from them. The foul fiends tempted him, at first, by placing before him means of illicit indulgence in the most alluring forms. They spread before him tables covered with the most delicious viands. They assumed the shape of beautiful women. They piled heaps of gold in his path. Then they pressed around him in their native hideousness, scourged him, tore his flesh with their talons, chased him from his cell. He heard the most fearful sounds. Lions, tigers, wolves, dragons, were at the same moment roaring, shrieking, howling, hissing in his ears. As the legend says, (and we doubt not with entire truth so far as the interior consciousness of the saint was concerned,) when these horrors had reached their climax, and the power

of endurance was exhausted, there shone upon him a great light from heaven, and his waning strength was reinforced as by the might of Omnipotence, and, lifting up his eyes to heaven, he said: "O Lord Jesus, where wast thou in those moments of anguish?" Christ replied, in a mild and gentle voice: "Anthony, I was here beside thee, and rejoiced to see thee contend and overcome. Be of good heart; for I will make thy name famous through all the world." These temptations, with their intervening seasons of relief and triumph, were believed by Anthony to have had an objective reality. The probability is, that solitude and fasting induced a dreamy condition of mind, in which it was impossible for him to discriminate between phantoms of the imagination and actual objects of sight and sound. The internal conceptions were so distinct and lifelike as to be attended with the same mental evidence of their reality that is usually conveyed through the senses, while there was nothing in his religious belief to lead him to doubt their actual existence. Indeed, it is not an uncommon experience to have conceptions entirely without objective counterparts, as clear and vivid as sensations. In such cases we ascertain the purely subjective character of what we seem to see and hear, not by our own consciousness, but by knowledge — derived from without — of the absence of the persons or the non-occurrence of the events thus conceived of. We, of course, doubt not that our saint's warfare was within, and he sustained it as a good soldier of the cross. This hermit-life, with its struggles and its victories, was the Heaven-appointed discipline for him, — the surest means, no doubt, of training him for his peculiar post and mode of service to the Church and to his race.

He continued to live in solitude till the age of fifty-five; not wholly useless, indeed, for no good man can be useless. Superior excellence always works its way to the light. One can no more hide it than he can smother fire with linen garments. Anthony's reputation for sanctity drew to him many visitors, who derived from him Christian counsel and consolation. Even a nomadic tribe of Saracens that pastured their flocks in his neighborhood, awe-stricken by his venerable aspect, were wont to bring their rude tribute for the supply of his necessities, and were indebted to him for humanizing influences.

When he was fifty-five years old, his public life commenced. He began to preach, and multitudes from great distances assembled to listen to him. The sick were brought from every part of Egypt to be cured by his prayers, and they often went away relieved and benefited, no doubt by the power which ardent faith and strong excitement exert over the vital organs and functions. He was especially successful in what was believed to be the casting out of demons, that is, the restoration of the insane, whose wildest paroxysms of madness were often subdued by the holy eloquence of his prayers, and by the atmosphere of tranquillity and peace which always encompassed him. But what most emphatically attests at once the integrity and the force of his character is, that, while the seeming agent in effecting marvellous cures, he steadily disclaimed the possession of miraculous gifts. "To do wonders," said he, "is not our work, but the Saviour's"; and to a military officer, who applied to him in behalf of an invalid daughter, he said, "I also am a man like thyself; if thou believest in the Christ whom I serve, only depart, and pray to God in thy faith, and it shall be done."

Disciples gradually gathered around him, desirous of consecrating themselves to a life like his. As they multiplied, he formed them into communities, and established for them strict rules of devotion, diet, dress, labor, intercourse with the world, and general conduct. Christian hermits there had previously been in great numbers; but these societies were the earliest bodies of cenobite Christian ascetics, and the type of the monastic fraternities to which the Church undoubtedly owes a larger indebtedness than to any other institution that has originated within its borders for the last sixteen centuries, — an indebtedness which we can hardly consider as cancelled by the enormous corruptions and iniquities that have had the cloister for their seminary, and the world for their field.

Here it may not be without interest and profit for us to mark the operation of a general law, to which sufficient heed has not been given in the philosophy of history. Institutions that live are never founded; they grow up spontaneously. Their origin is not in calculation, but in exigency, — in what

the irreligious term accident, the devout, Providence. They crystallize around some existing need, and retain for ages after that need has been forgotten the shape which it gave them. A man who in cold blood plans an organization or a mode of action which he designs for the remotest posterity, often survives his enterprise, and hears its requiem. He, on the other hand, who does with wisdom and vigor the best that he can do to meet a new posture of circumstances, and has no thought beyond the work of his own time, leaves his mark on the coming ages, and posterity praise him for a foresight, which with him was nothing more than keen insight. Wesleyan Methodism is a case in point. Wesley's organization was suggested, in its successive stages, by the urgent wants of the converts that had been made under his auspices within the pale of the English Established Church, and was designed merely to keep alive within that pale the fire which he had kindled; it has become, not only an independent church, but, next to the Papacy, the most powerful hierarchy in Christendom. In like manner, Anthony simply thought to retain in the fear and service of God the zealous neophytes who clustered unbidden around him; and in so doing he founded an institution which for centuries gave law to the whole Christian world, and was mightier than all the thrones in Europe.

Anthony established in person two monasteries, — one in the mountainous region of Eastern Egypt, where he had so long dwelt; the other near the town of Arsinoe. In these the monks lived, each in his own separate hut or cell, but in close proximity, under one superior, and under common regulations. The only remaining step, which was soon taken, was the substitution of a conventual building for the cluster of dwellings.

Anthony resided generally at one or the other of these establishments, but often made pilgrimages to the towns and villages, and on rare occasions to Alexandria. During the persecution under Maximilian, he went to Alexandria, anxious to win a martyr's palm; but, though he threw himself into the forefront of peril, the government probably did not dare to do violence to a man whose sanctity of life had won hardly less veneration among idolaters than among Chris-

tians. His last visit to Alexandria was on the restoration of Athanasius, the bishop, after his banishment by the Arians. He was then a hundred and four years old. His journey was like a triumphal procession, and his way was thronged by multitudes eager to obtain a glimpse of the great saint, and to implore his blessing. When he preached, large numbers of pagans, and their very priests, were among his hearers, and during those few days more converts from Paganism were made than were wont to be gathered into the Christian fold in as many years.

Among the incidents of his life — which doubtless had its substratum of fact, though it has come to us only in a legendary form — was his visit, in extreme old age, to a certain Paul, who had lived as a hermit in a frightful solitude for ninety years. The legend says that Paul was so ignorant of the world which he had deserted, as to ask whether there yet remained any vestiges of idolatry. While the venerable men were conversing, a raven came, and dropped a small loaf between them, whereupon Paul lifted up his eyes, and blessed God, and said: "For sixty years every day hath this raven brought me half a loaf; but because thou art come, my brother, the portion is doubled, and we are fed as Elijah was fed in the wilderness." Then Paul announced his own death as close at hand, and sent Anthony home for a cloak which Athanasius had given him, that he might wrap him in it for his burial. When Anthony was on his return, at about three hours' journey from the cavern, he heard strains of "the most ravishing music, and, looking up, he beheld the spirit of Paul, bright as a star, and white as the driven snow, carried up to heaven by the prophets and apostles, and a company of angels, who were singing hymns of triumph." Arrived at the cavern, he found the lifeless body of Paul; and while he thought with despair of his own waning strength, and felt himself utterly unable to dig a grave, two lions came toward him over the sand, and performed the office to which he had found himself inadequate. The meeting, the cloak, the burial, are probably authentic; the supplementary incidents, expanded as they are into a minute narrative, are among the most picturesque and touching memorials of a legendary age.

We have spoken of the change, midway in Anthony's life, from a carefully guarded solitude to a career, still of rigid asceticism, yet of active duty. It is probably to this transition period that the following legend belongs; and it grew, no doubt, out of the simple story of some inward experience, or of a casual interview with a Christian of lowly surroundings and eminent sanctity, which contributed motives to the change in his mode of life. Having put a period to the assaults of Satan, and flushed with the honors of so signal a victory, according to the legend, Anthony began to think himself the holiest man on the earth, whereupon a voice from heaven came to him, saying: "Anthony, thou art not so perfect as is a certain cobbler dwelling at Alexandria." So he took his staff, and set forth in search of so wonderful a man. Arrived at his house, Anthony said: "Declare unto me thy good works and thy whole manner of life; for it has been revealed to me that thou art the holiest man on the earth." The cobbler replied: "Good works have I none; for my life is but simple and slender. I am but a poor cobbler. In the morning when I rise, I pray for the whole city wherein I dwell, especially for all such neighbors and poor friends as I have. Afterward I seat myself at my labor, at which I spend the whole day in getting my living. I keep me from all falsehood; for I hate nothing so much as I do deceitfulness: wherefore, when I make a promise to any man, I perform it truly. Thus I spend my time poorly with my wife and children, whom I teach and instruct, as far as my wit will serve me, to fear and dread God. And this is the sum of my simple life."

Many of Anthony's recorded sayings give us in him glimpses of a truly great soul, and of a soul as lowly as it was great. If there had ever been in him a taint of the spiritual pride suggested by the legend just quoted, it was all washed away before his public career began. Even imperial flattery could not elate him. When the Emperor Constantine wrote to him with expressions of the profoundest reverence, and invited him to come to Constantinople, the monks around him were deeply impressed with the honor thus rendered to their spiritual father. But he said: "Wonder not that the Emperor

writes to us; for he is a man: but wonder much rather at this, that God has written his law for men, and has spoken to them by his own Son." In his answer, he first of all congratulated the Emperor and his sons that they were Christians, and, begging them to remember that Christ is the only true and eternal Sovereign, he gave them a plain, pungent exhortation to justice, meekness, and the care of the poor. Severe to himself, he was uniformly mild and lenient in his treatment of others. A monk for some transgression had been expelled from his cloister, and his brethren were unwilling to receive him back on his profession of penitence. Anthony sent him back to them a second time with these striking words: "A ship, stranded, lost her cargo, and was with difficulty drawn to the shore; but ye are for sinking again at sea what has been thus safely brought into the harbor." To a blind teacher at Alexandria, Anthony said, on his last visit to that city: "Let it not trouble you that you are in want of the eyes with which even flies and gnats can see; but rejoice that you have the eyes with which angels see, by which, too, God is beheld, and his light received."

When Anthony perceived that his own death was near at hand, he was most of all solicitous that his mortal remains and his grave should not be desecrated by the vulgar superstition of relic-worship, which was then rife in Egypt, or rather which had passed with little change from Paganism into the Christian Church; for from time immemorial, in that country, the honored dead, embalmed and reposing in state, had filled almost the office of household gods. He begged his monks to keep the place of his burial carefully concealed. Having exacted this promise from them, with mind undimmed, with faith as clear as sight, and occupied continually on heavenly themes, he watched with complacent hope the kindly decay of nature, and at length sank into painless dissolution in the one hundred and sixth year of his age.

As he was no scholar, it may be doubted whether we have any genuine productions of his own mind, except those brief and pithy sentences, a few of which we have quoted, which were treasured as they fell from his lips, and were written down by his disciples in nearly the words in which they were

uttered. There remain twenty epistles attributed to him; but of these only seven bear any marks of genuineness, and it is more than probable that even these were written after his decease. The whole twenty were translated from the Coptic into Arabic in the ninth century, and from Arabic into Latin in the seventeenth.

That the secrecy enjoined as to the place of Anthony's burial was ever violated, we have no reason to believe; but the Romish Church can show the bones of every titular saint that ever lived, as also those of many who never existed except in the fossil state, and of course it would not be destitute of authentic relics of so great a man. His pretended bones are deposited at St. Didier-la-Mothe, in France, and in the Middle Age it was believed that many miraculous cures were wrought at his grave. His intercession has ever been highly esteemed in the Church, and has been especially prized as a prophylactic against that terrible form of erysipelas named from him St. Anthony's Fire.

Anthony has been a favorite subject of Christian art, and his temptations, his interview with Paul, the burial of Paul, and his own death-scene, have furnished rich materials for the highest artistical treatment. In pictures he wears the monk's cope and cowl, and has a crutch to denote his age and infirmity, a hand-bell, and a reed for sprinkling holy water to indicate his successful conflicts with Satan. A swine is generally placed under his feet, in memory of the foul temptations which he subdued and trampled under foot, and flames of fire are often around and beneath him, with reference either to the flames of hell quenched by his piety and his intercession, or else to the fearful disease bearing his name, which spreads like a flame over the face and body of its victim, charring and blackening the flesh over which it passes. Highest of all honors, he is commonly painted with the letter Θ or T, the initial of the divine name $\Theta\epsilon\acute{o}\varsigma$, conspicuous on his cope or brow, to designate his place among those who in the apocalyptic vision stand with the Lamb on Mount Sion, "having his Father's name written in their foreheads." Well might he be numbered among those happy spirits, of whom the seer goes on to say, in words of unequalled significance and beauty,

"These are they which follow the Lamb whithersoever he goeth. These were redeemed from among men. And in their mouth was found no guile: for they are without fault before the throne of God."

We fully accord with the verdict passed upon Anthony's character by his contemporaries and successors on the arena of Christian faith. Tried, indeed, by the light of the first or of the nineteenth century, his asceticism and self-chastening are not among the prescribed duties or tokens of Christian discipleship. But they were in accordance with the best Christian sentiment of his time. Nor between the apostolic age and the Protestant Reformation can we select any other specimen of the Christian character, which will bear like his to be viewed in every light, and will appear faultless in all. If we except what we deem to have been sins against his own body, among the copious notices of his life we can find not a deed or word or recorded thought of his which was not in perfect harmony with his character as a follower of Jesus. He united gentleness with courage, rigid self-discipline with tolerance for the frailties and forbearance toward the sins of others, humility with energy, love with zeal, the severe virtues of the anchorite with the winning graces of the apostle.

Asceticism, in its various forms of abstinence from food, seclusion, needless self-denial, and useless self-torture, has played a very large part in the history of religion and of civilization. The idea on which it rests, and the practices which it has sanctioned, may be traced to Media and Persia, and to the religious system of which Zoroaster is commonly named as the founder, and which he at least reformed and consolidated. There is no vestige of asceticism in either the Jewish or the Christian religion. The Mosaic law appointed not so much as a fast; there is no trace of such an observance as a national solemnity till the reign of Jehoshaphat; nor of fasting as a stated religious ordinance till after the Babylonish captivity, from which the Jews brought away many Zoroastrian notions and practices. Zoroaster divided the empire of the universe between two semi-omnipotent beings, Ormuzd and Ahriman, the former supremely good, the latter utterly evil and malignant. Some sects of his followers maintained

that Ormuzd created the soul of man; Ahriman, the human body and the material universe. On this theory fasting and bodily mortification were regarded as the most effective method of resisting and defying the evil spirit, and of bringing the soul into harmony with its Creator. In the sect of the Essenes this philosophy took shape among the later Jews, and in the form of Gnosticism it found its way into the Christian Church. Fasting, living on pillars, celibacy, and self-inflicted austerities of all kinds were from this foreign stock ingrafted on Christianity, and became influential elements in its history.

In what remains of this paper, we have to speak only of a single offshoot from the Persian dualism, — that which was planted and cherished by St. Anthony. The worst that can be said of monasticism is that it has outlived its ministry. With regard to every institution, whether of society, government, or religion, *obsolete* and *corrupt* are convertible terms. That which no longer has a rightful office, can exist only as a hinderance to the right. That which no longer has work to do, can do only mischief. That which survives its functions and utilities, survives only in the ghastliness of death and the corruption of the sepulchre.

In the age of Anthony, and for many subsequent generations, monasticism vindicated itself as an ordinance of God, and filled a place essential, not only to the working and the diffusion, but, humanly speaking, to the very existence of Christianity, as also to the preservation of its records. The early cenobites, so far from being idle pensioners on the unmerited bounty of their brethren, sustained themselves in the most frugal style of living by the labor of their own hands. Many of them were simple, unlettered men, who elsewhere would have been nothing more than laborers, but who elsewhere might not have remained disciples. Christian homes would indeed have been better for them than monasteries; but the choice often was between a monastery and a Pagan home, — between repose of spirit among kindred souls, and the strife and bitterness of a house divided against itself, — between a shelter against apostasy, and influences in behalf of apostasy which no ordinary strength of character could have withstood.

The monasteries, too, were always open refuges for the persecuted, — refuges needed not only against the ferocity of heathen monarchs, but often equally against the caprice and violence of emperors and magistrates Christian only in name, or the alternate ascendency of Arians and Athanasians when each party strove to crush the other out of being. They were seminaries of Christian education, where the youth or the neophyte was imbued with heavenly wisdom, and fortified against the thronging temptations and trials that beset the religious life. They were "schools of the prophets," and sent forth those ministers of the cross who in times of declension renewed in some measure the purity and zeal of better days, and preserved for the Church some features of its Founder's image and spirit. They furnished missionaries who courted peril, sought inhospitable climes and savage tribes, and planted Christian communities far beyond the outermost verge of Greek and Roman civilization. All along through the Middle Age they were asylums for the oppressed, the forsaken, the poor, the helpless, inns for the wayfarer, hospitals for the sick and wounded, — the only sanctuaries which violence dared not to invade, the only shrines where heaven-born charity lingered on the earth. Through their agency alone learning crossed the chasm that yawned between ancient and modern civilization, and the treasures of antiquity were made the choicest wealth of these latter ages. They were almost the sole repositories of manuscripts, and we doubt whether without them we should now have the text of a single classic author. Indeed, they often preserved materials of inestimable value by the very process of defacing and destroying. In covering parchments which they could not appreciate with worthless legends of their own fabrication, the monks did not succeed in obliterating the traces of the original writing, and long-lost works have been disinterred from beneath the pious rubbish to which they had given place.

Above all, we are indebted to the monasteries for the preservation and the integrity of the Christian Scriptures. In the estimation of their inmates the transcribing of these sacred records was the holiest of occupations, and it was a matter of conscience with them to be severely accurate. They had too

profound a reverence for the word of God to deface it by comments or conjectural readings of their own. Thus the only discrepancies were such as could hardly fail to grow from the occasional ambiguity or illegibleness of the manuscript copied from, or from the mistakes of eye or pen from which the most careful transcriber might not be wholly free. For several centuries even the parish priests hardly ever possessed copies of the Scriptures; kings and nobles could seldom read; what learning still remained was confined within cloister walls; and but for the monasteries the mummery of so-called Christian worship might have been perpetuated, while Christian sentiment and consciousness would have been irrevocably darkened and perverted, nor would the sacred records have continued extant to preside over the awakening of Christendom from its age-long slumber, and to kindle the faith and piety of the morning stars of the Reformation. But through the monasteries in various Christian lands the Scriptures were not only transmitted, but transmitted by so many separate and unconnected channels as to make the coincidence of the several families of manuscripts an impregnable argument for the genuineness and antiquity of the sacred books. Spanish, Roman, Greek, and Alexandrian manuscripts must needs have been propagated from copies that bore date very near the period of authorship claimed for their originals; and if they have come down to us with no greater discrepancies than time and human fallibility will account for, the inference is irresistible that they all sprang from a common source, and that source the fountain of inspiration, from which holy men wrote as they were moved by the Holy Spirit.

Even since the Reformation, the monasteries have given birth to almost all in the Romish Church which has borne the stamp of superior excellence. Her self-denying missionaries, her self-sacrificing priests, her prelates and pontiffs most worthy of their sacred office, her authors who have made valuable contributions to the stock of Christian learning and devotional sentiment, have, with very few exceptions, been educated under monastic training and influence, when they have not themselves been cenobites. The very book which no devout Protestant disdains to place next to the Bible, as embodying

more of its spirit than any work that has appeared since the Apostolic age, "The Imitation of Christ," was the fruit of cloister discipline and monastic piety, and its author was distinguished for the rigidness of his adherence to the rules of his order, and for his loyalty to its interest and honor.

But monasticism has long since discharged its ministry, and survives as a mere cumberer of the ground. Its true work was in the ages of violence and ignorance. Its appointed office was as "a light that shineth in a dark place until the day dawn and the day-star arise." The world has outgrown its uses. Christian consciousness has passed beyond its rudimentary training. Christian culture has transcended its imperfect and provisional standard. It is in its very nature incapable of expansion or diversity of adaptation. It can henceforth nurture little except idleness, superstition, and vice. Yet while we look upon its glory and its excellence as among the things which have been and never more can be, we may well honor it for the noble work that it has wrought, and for the benefactors of our race whom it has given to the world. And all honor be to the memory of that great man of God who, when the deluge of ignorance and barbarism was impending, — not, as we believe, without Divine monition and guidance, — prepared the ark in which all that is most precious to our faith and piety rode intact and sound upon the surging flood, to rest on the Ararat of a reformed Church and a renovated humanity.

ART. VIII. — *Opinion of* CHIEF JUSTICE TANEY, *in the Case of John Merryman, Applicant for a Writ of Habeas Corpus.* National Intelligencer, May 29th and 30th, and June 4th, 1861.

THE opinion of Chief Justice Taney, in the case of John Merryman, has necessarily attracted much attention. Several of the accompanying circumstances have given it unusual prominence. The case was one, as most of our readers well know, in which Merryman, being held as a prisoner at Fort McHenry, the head-quarters of General Cadwalader, then in command of the military department in which the fort is situated, applied to Chief Justice Taney, the head of the judiciary of the United States, for a writ of *habeas corpus*, in order that he might thereby be brought before the Chief Justice and delivered from imprisonment, upon the ground that it was without lawful warrant, unjust, and oppressive. Merryman was arrested by a military force, without any warrant from a magistrate, on charges of treason and rebellion, founded upon certain acts done by him at, or immediately after, the attack by a mob upon the Sixth Regiment of Massachusetts Volunteers, in its passage through Baltimore; the mob being incited to violence through the agency of secessionists inhabiting that city, and the regiment being on its way to Washington to sustain the government of the United States, then gravely menaced by the insurrection in the Southern States, — the capital itself being threatened by the leaders of the insurrection. Troops from Pennsylvania, proceeding to Washington for the same purpose, were attacked and turned back by the same mob. It was alleged, especially, that Merryman had participated in the destruction of the railroad and bridges, with the design of preventing other troops from reaching the capital by the route through Baltimore. Fort McHenry, in the immediate vicinity of Baltimore, was at the time of the arrest held and occupied for the purposes of the war, which had then just commenced, and was regarded as a very important military post, serving among other purposes as a check — and perhaps for the time as the only effectual check — upon the disaffected part of the population of Baltimore.

The further facts which led to the issuing of the writ of *habeas corpus*, as prayed for, are stated by the Chief Justice, in the opinion delivered by him, as follows: —

"The petition presents the following case. The petitioner resides in Maryland, in Baltimore County. While peaceably in his own house with his family, he was, at two o'clock on the morning of the 25th of May, 1861, arrested by an armed force, professing to act under military orders. He was then compelled to rise from his bed, taken into custody, and conveyed to Fort McHenry, where he is imprisoned by the commanding officer, without warrant from any lawful authority.

"The commander of the fort, General George Cadwalader, by whom he is detained in confinement, in his return to the writ, does not deny any of the facts alleged in the petition. He states that the prisoner was arrested by order of General Keim, of Pennsylvania, and conducted as a prisoner to Fort McHenry by his order, and placed in his (General Cadwalader's) custody, to be there detained by him as a prisoner.

"A copy of the warrant or order under which the prisoner was arrested was demanded by his counsel, and refused. And it is not alleged in the return that any specific act, constituting an offence against the laws of the United States, has been charged against him upon oath, but he appears to have been arrested upon general charges of treason and rebellion, without proof, and without giving the names of the witnesses, or specifying the acts which, in the judgment of the military officer, constituted these crimes. And having the prisoner thus in custody upon these vague and unsupported accusations, he refuses to obey the writ of *habeas corpus*, upon the ground that he is duly authorized by the President to suspend it.

"The case, then, is simply this. A military officer, residing in Pennsylvania, issues an order to arrest a citizen of Maryland, upon vague and indefinite charges, without any proof, so far as appears. Under this order, his house is entered in the night, he is seized as a prisoner and conveyed to Fort McHenry, and there kept in close confinement. And when a *habeas corpus* is served on the commanding officer, requiring him to produce the prisoner before a Justice of the Supreme Court, in order that he may examine into the legality of the imprisonment, the answer of the officer is that he is authorized by the President to suspend the writ of *habeas corpus* at his discretion, and, in the exercise of that discretion, suspends it in this case, and on that ground refuses obedience to the writ.

"As the case comes before me, therefore, I understand that the

President not only claims the right to suspend the writ of *habeas corpus* himself, at his discretion, but to delegate that discretionary power to a military officer, and to leave it to him to determine whether he will or will not obey judicial process that may be served upon him.

"No official notice has been given to the courts of justice, or to the public, by proclamation or otherwise, that the President claimed this power, and had exercised it in the manner stated in his return. And I certainly listened to it with some surprise, for I had supposed it to be one of those points of constitutional law upon which there was no difference of opinion, and that it was admitted on all hands that the privilege of the writ could not be suspended, except by act of Congress."

From the concluding part of the opinion, it appears that the Chief Justice not only denies the right of the President to suspend the writ of *habeas corpus*, and the right of General Cadwalader to decline compliance with the command of the writ requiring him to appear with the prisoner and show the cause of the detention, but he also denies the right of the military authority to make searches, seizures, and arrests without warrant; and he insists that "great and fundamental laws, which even Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order, supported by force of arms." We quote this part of the opinion, as it has an important bearing upon the reasoning of the Chief Justice.

If the arrest might be made by the military authority, without warrant, then it will probably be admitted that the same authority, on making return of the nature of the arrest and detention, may decline to produce the prisoner upon the writ of *habeas corpus*.

"But the documents before me show that the military authority in this case has gone beyond the mere suspension of the privilege of the writ of *habeas corpus*. It has, by force of arms, thrust aside the judicial authorities, and officers to whom the Constitution has confided the power and duty of interpreting and administering the laws, and substituted a military government in its place, to be administered and executed by military officers; for at the time these proceedings were had against John Merryman, the District Judge of Maryland, the Commissioner appointed under the act of Congress, the District Attorney, and the Marshal, all resided in the city of Baltimore, a few miles only from the home of the prisoner. Up to that time there had never

been the slightest resistance or obstruction to the process of any court or judicial officer of the United States in Maryland, except by the military authority. And if a military officer, or any other person, had reason to believe that the prisoner had committed any offence against the laws of the United States, it was his duty to give information of the fact, and the evidence to support it, to the District Attorney; and it would then have become the duty of that officer to bring the matter before the District Judge or Commissioner, and, if there was sufficient legal evidence to justify his arrest, the Judge or Commissioner would have issued his warrant to the Marshal to arrest him, and, upon the hearing of the party, would have held him to bail, or committed him for trial, according to the character of the offence, as it appeared in the testimony, or would have discharged him immediately, if there was not sufficient evidence to support the accusation. There was no danger of any obstruction or resistance to the action of the civil authorities, and therefore no reason whatever for the interposition of the military.

"And yet, under these circumstances, a military officer, stationed in Pennsylvania, without giving any application to the District Attorney, and without any information to the judicial authorities, assumes to himself the judicial power in the District of Maryland, undertakes to decide what constitutes the crime of treason or rebellion, what evidence (if, indeed, he required any) is sufficient to support the accusation and justify the commitment, and commits the party, without having a hearing even before himself, to close custody in a strongly garrisoned fort, to be there held, it would seem, during the pleasure of those who committed him.

"The Constitution provides, as I have before said, that 'no person shall be deprived of life, liberty, or property, without due process of law.' It declares that 'the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.' It provides that the party accused shall be entitled to a speedy trial in a court of justice.

"And these great and fundamental laws, which Congress itself could not suspend, have been disregarded and suspended, like the writ of *habeas corpus*, by a military order supported by force of arms. Such is the case now before me; and I can only say, that, if the authority which the Constitution has confided to the Judiciary Department, and judicial officers, may thus, upon any pretext and under any circumstances, be usurped by the military power at its discretion, the people

of the United States are no longer living under a government of laws, but every citizen holds life, liberty, and property at the will and pleasure of the army officer in whose military district he may happen to be found.

"In such a case, my duty was too plain to be mistaken. I have exercised all the power which the Constitution and laws confer on me, but that power has been resisted by a force too strong for me to overcome. It is possible that the officer who has incurred this grave responsibility may have misunderstood his instructions, and exceeded the authority intended to be given him. I shall therefore order all the proceedings in this case, with my opinion, to be filed and recorded in the Circuit Court of the United States for the District of Maryland, and direct the Clerk to transmit a copy, under seal, to the President of the United States. It will then remain for that high officer, in fulfilment of his constitutional obligation 'to take care that the laws be faithfully executed,' to determine what measures he will take to cause the civil process of the United States to be respected and enforced."

The liberty of the subject, and the writ of *habeas corpus* as the means of protecting that liberty from unlawful interference, have long been the pride and boast of Englishmen; and the American people, as is abundantly shown in the Constitution and laws of the United States, and of the several States, have been not less jealous for the one, or less tenacious of the other. It is apparent, therefore, that whatever addresses itself to the popular mind as a vindication of the right of personal freedom against oppression in any of its forms, must meet a ready and hearty approval; and if the Chief Justice, as is undoubtedly the fact, has failed to secure the support of the people in the assertion of his right to deliver Merryman from his imprisonment, it must be because there were circumstances of no ordinary character involved in the case, which deprived the party imprisoned of the popular sympathy, and led to grave doubts whether the principles of law relied on by the judicial magistrate ought to, or do in fact, govern cases of that character.

Upon a superficial examination of the case, as stated by the Chief Justice, it is not surprising, perhaps, that he should have come to the conclusion that the return to the writ was insufficient. But there is no case which in all its circumstances comes up to this, and there are certain matters of law

and fact bearing upon it, and appearing to deserve great weight, which do not seem to have presented themselves to his mind. He does not discuss the question how far the provisions of the Constitution which he cited in the latter part of the opinion have reference to a state of actual war existing in the country, — how far they may be modified or controlled in their operation by other provisions of the Constitution which in a state of war may have a bearing upon the case, — nor how far the authorities which he cites have a just application to the facts which he must have known were not only existing, but which had a controlling influence in producing the case before him.

It may be thought that the question, whether General Cadwalader might not lawfully decline to obey the command of the writ, or suspend its operation, because it would require him to abandon for the time being the performance of his military duties, and because he held the prisoner under military or martial law, was not presented to the Chief Justice by the return, which stated that the President had authorized a suspension of the writ of *habeas corpus*. But if the return did not in terms present that question to him, it was, notwithstanding, before him, and he passed upon it; for, after stating that Mr. Jefferson did not claim the power to suspend the writ, but referred the matter to Congress, he said in the opinion: —

"Having, therefore, regarded the question as too plain and too well settled to be open to dispute, if the commanding officer had stated that upon his own responsibility, and in the exercise of his own discretion, he refused obedience to the writ, I should have contented myself with referring to the clause in the Constitution, and to the construction it received from every jurist and statesman of that day, when the case of Burr was before them. But being thus officially notified that the privilege of the writ has been suspended under the orders and by the authority of the President, and believing, as I do, that the President has exercised a power which he does not possess under the Constitution, a proper respect for the high office he fills requires me to state plainly and fully the grounds of my opinion, in order to show that I have not ventured to question the legality of his act without a careful and deliberate examination of the whole subject."

It seems, therefore, upon his own showing, that if General

Cadwalader had made a return that he claimed to hold the prisoner by the general law martial, which suspended the *habeas corpus*, and rendered his military duties and obligations inconsistent with a compliance with the requirements of the writ, the Chief Justice would have disposed of the case without arguing the question.

There are some cases which have a tendency to support his conclusion. How far they can justify it, we shall see as we proceed. We propose at this time to follow out the investigation thus indicated.

If it were admitted that the same rules are applicable to the issue and determination of the *habeas corpus* in time of war as those which govern the subject in time of peace, then it must also be admitted that the opinion of the Chief Justice is well sustained; but if it shall appear that war brings with it its own rules, prescribing the powers and duties of military commanders, and their relations to persons within their military jurisdiction, then his reasoning may fail in its application to the case before him, and the opinion may be shown to have no sufficient foundation.

It may be well in the first place to consider briefly the nature and character of the writ of *habeas corpus*, as deduced from its early history, although there is very little in its practical application in England which can serve to throw light upon the present questions.

It is said that there are various kinds of the writ of *habeas corpus;* but it might perhaps with greater precision be said, that the writ is used for several different purposes, and the terms which designate the different purposes have been applied as designations for different writs; as, for instance, the *habeas corpus ad respondendum*, where the body of the party is brought into court that he may answer to what is charged against him; the *habeas corpus ad testificandum*, where a party imprisoned is brought in to testify as a witness, and other cases furnishing similar descriptions.

"But the great and efficacious writ in all manner of illegal confinement," says Blackstone, "is that of *habeas corpus ad subjiciendum*, directed to the person detaining another, and commanding him to produce the body of the prisoner, with the day and cause of his capture

and detention, *ad faciendum, subjiciendum, et recipiendum*, to do, submit to, and receive, whatsoever the judge or court awarding the writ shall consider in that behalf. This is a high prerogative writ, and therefore, by the common law, issuing out of the King's Bench not only in term time, but also during the vacation by a *fiat* from the chief justice or any other of the judges, and running into all parts of the king's dominions; for the king is entitled at all times to have an account why the liberty of any of his subjects is restrained, wherever that restraint may be inflicted." *

There seems to be no authentic account of the issue of the writ until long after Magna Charta, although it is said to be of right by the common law, which may be true in the sense that it has its foundation in the principles of the common law.

Coke says that "Magna Charta was for the most part declaratory of the principal grounds of the fundamental laws of England, and for the residue it is additional to supply some defects of the common law." † But the Great Charter did not in terms provide for or recognize any right to this particular remedy. The provisions which declare the right of the subject, and perhaps serve to sustain this writ as an appropriate remedy for any unlawful restraint of his person, are, —

"*Nullus liber homo capiatur, vel imprisonetur, aut disseisietur, de libero tenemento suo, vel libertatibus, vel liberis consuetudinibus suis, aut utlagetur, aut exuletur, aut aliquo modo destruatur; nec super eum ibimus; nec super eum mittemus, nisi per legale judicium parium suorum, vel per legem terræ.*

"*Nulli vendemus, nulli negabimus, aut differemus, justiciam vel rectum.*"

As translated in Coke, these provisions read: —

"No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties, or free customs, or be outlawed or exiled, or any otherwise destroyed, nor will we pass upon him nor condemn him, but by lawful judgment of his peers, or by the law of the land.

"We will sell to no man, we will not deny or defer to any man either justice or right." ‡

There have been some differences of translation not material to the present discussion.

That these provisions of the Great Charter did not secure to

* 3 Blackstone's Commentaries, 131. † 2 Inst. 66 *et seq.* ‡ 2 Inst. 45.

the subject deliverance from imprisonment at the will of the crown, even in times of peace, and that the general principles of the common law, as then administered, furnished no better security, is apparent from the fact that in 1627, more than four centuries afterward, a writ of *habeas corpus* was issued in the case of John Hampden and others, to which the Warden of the Fleet returned, that they were detained by a warrant from the Privy Council, that no particular cause was assigned, but that they were committed by the special command of his Majesty; and the court held this a sufficient return. Undoubtedly the decisions of the judicial tribunals at that period, upon subjects involving the prerogatives of the crown, cannot be regarded as of high authority. This case led to divers proceedings in Parliament condemnatory of the decision; to the Petition of Right, for the better security of the liberty of the subject; and to the *habeas corpus* act, in the thirty-first year of Charles II., which recited that "great delays have been used by sheriffs, jailers, and other officers, to whose custody any of the king's subjects have been committed for criminal or supposed criminal matter, in making returns of writs of *habeas corpus* to them directed," and then enacted, in substance, that whensoever any person should bring a writ of *habeas corpus*, directed to any sheriff or other person, for any person in his custody, the officer should, within three days after service of the writ in the mode designated, (except in certain cases enumerated,) upon payment of charges and security given, bring, or cause to be brought, the body of the party so committed or restrained, unto or before the Lord Chancellor, according to the command thereof, and certify the cause of his commitment. There were divers provisions regulating the subsequent proceedings. It has been said that this statute was designed to secure the benefit of the writ, rather than to extend its operation, one great object being to insure the performance by the judges of their duty.

Mr. Chief Justice Taney says in his opinion: —

"The right of the subject to the benefit of the writ of *habeas corpus*, it must be recollected, was one of the great points in controversy during the long struggle in England between arbitrary government and free institutions, and must therefore have strongly attracted the attention of

statesmen engaged in framing a new, and, as they supposed, a freer government than the one which they had thrown off by the Revolution. For, from the earliest history of the common law, if a person was imprisoned, — no matter by what authority, — he had a right to the writ of *habeas corpus* to bring his case before the King's Bench; and if no specific offence was charged against him in the warrant of commitment, he was entitled to be forthwith discharged; and if any offence was charged which was bailable in its character, the court was bound to set him at liberty on bail. And the most exciting contests between the crown and the people of England from the time of Magna Charta were in relation to the privilege of this writ, and they continued until the passage of the statute of 31st Charles II., commonly known as the great *habeas corpus* act.

"This statute put an end to the struggle, and finally and firmly secured the liberty of the subject from the usurpation and oppression of the executive branch of the government. It nevertheless conferred no new right upon the subject, but only secured a right already existing. For, although the right could not be justly denied, there was often no effectual remedy against its violation. Until the statute of the 13th of William III. the judges held their offices at the pleasure of the king, and the influences which he exercised over timid, timeserving, and partisan judges, often induced them, upon some pretext or another, to refuse to discharge the party, although he was entitled to it by law, or delayed the decisions from time to time, so as to prolong the imprisonment of the persons who were obnoxious to the king for political opinions, or had incurred his resentment in any other way.

"The great and inestimable value of the *habeas corpus* act of the 31st Charles II. is, that it contains provisions which compel courts and judges, and all parties concerned, to perform their duties promptly, in the manner specified in the statute."

If by this the Chief Justice refers to imprisonment for alleged offences in time of peace, and to detentions having no connection with military operations in time of war, it may be true, theoretically; but it is quite clear, that neither Magna Charta nor the common law prescribes rules to govern the conduct of a war, or professes to set forth the principles which in time of war shall regulate the military service of the country; and we have found no case in England in which the writ of *habeas corpus* has been used, in time of war, to deliver from any detention by military authority, which detention had its origin in causes and proceedings connected

with the war. So far from its being true that "from the earliest history of the common law, if a person was imprisoned, no matter by what authority, he had a right to the writ of *habeas corpus*, to bring his case before the King's Bench, and if no specific offence was charged against him in the warrant of commitment, he was entitled to be forthwith discharged," — and that the statute of Charles II. secured such right already existing, — it is a fact, that, more than a century after the passage of the act, "a gentleman having been impressed before the commissioners, under a pressing act passed in the preceding session, and confined in the Savoy, his friends made application for a writ of *habeas corpus*, which produced some hesitation and difficulty; for according to the above statute, the privilege relates only to persons committed for criminal or supposed criminal matter." Before the question could be determined, he was discharged on an application to the Secretary at War. This case being supposed to show a defect in the statute of Charles II., a bill was introduced into Parliament, in 1757, for giving a more speedy remedy to the subject upon the writ of *habeas corpus*. The bill was passed by the House of Commons, but was thrown out on its second reading in the House of Lords, principally, it would seem, through the agency of Lord Mansfield. He made a speech upon it in June, 1758, of which Horace Walpole said, "I am not averse to own that I never heard so much argument, so much sense, so much oratory united." In the course of this speech, according to a report of Dr. Birch, cited by Lord Campbell, Lord Mansfield, among other things, said, "that the writ of *habeas corpus* at common law was a sufficient remedy against all these abuses which this bill was supposed to rectify." But such evidently was not the view of Lord Campbell, who says: "I am concerned to say that Lord Mansfield, from whom better things might have been expected, stirred up a furious opposition to this bill, and threw it out." And Horace Walpole adds: "Nor did I ever know how true a votary I was to liberty, till I found I was not one of the number staggered by that speech."*

* Lord Campbell's Lives of the Chief Justices, Vol. II. pp. 453, 454, and note.

If the statute of Charles II. conferred no new right upon the subject, but only secured a right already existing, as is said by Mr. Chief Justice Taney, and has been said by others, it is quite clear that the common-law right to the writ did not extend to such a case; for while the bill was before the House of Lords, that body proposed ten questions to the Judges, the ninth question being, "Whether the said statute of 31 Car. II., and the several provisions therein made for the immediate awarding and returning the writ of *habeas corpus*, extend to the case of any compelled against his will in time of peace to enter into the land or sea service without any color of legal authority, or to any case of imprisonment, detainer, or restraint whatsoever, except cases of commitment or detainer for criminal or supposed criminal matter?" — and the judges who answered, ten in number, were unanimously of opinion that it did not. Mr. Justice Noel, Mr. Justice Wilmot, Mr. Baron Adams, Mr. Baron Smyth, Mr. Baron Legge, Mr. Justice Dennison, and Lord Chief Baron Parker answered directly in the negative, in the language of the question. The answers of Mr. Justice Bathurst, Mr. Justice Clive, and Lord Chief Justice Willes were, that "the words of the statute, &c., do not extend to such a case." Mr. Justice Bathurst added to his answer: "But in favor of liberty, the judges of the Court of King's Bench have in conformity to that statute extended the same relief to all cases."*

"In a more enlightened age," says Lord Campbell, (to wit, 56 George III.,) "the bill was again introduced, and received unanimous support in both Houses of Parliament." But this act does not provide for liberation from arrest by the military authority in actual service in time of war; nor does the usage of the judges, as mentioned by Mr. Justice Bathurst, appear to have done so.

The remarks, therefore, of Blackstone and Hallam, cited by Chief Justice Taney, are not applicable; and the English history of the writ of *habeas corpus* fails to sustain his opinion with reference to the case before him.

The American cases, although some of them are founded upon a state of facts much more nearly approaching the pres-

* Bacon's Abridgment, Art. *Habeas Corpus*, Editor's note.

ent case, afford us no satisfactory discussion of the principles which must settle it. They may be found collected in Mr. Hurd's valuable treatise on *Habeas Corpus*. Most of them have occurred in time of peace, and did not therefore involve the consideration of principles applicable to a state of war.

There have been several cases in Massachusetts in which the writ has issued in time of war to the commanding officer of a fort within the State, for the discharge of minors who had enlisted without the consent of parents or guardians. But the service of the writ seems to have been regarded as a matter of course, and perhaps no reason is to be inferred why it should not have been, as the military force at the place might not have been in such active service as to require a refusal.*

The case which most nearly resembles Merryman's is that of Stacy, which occurred in 1813, in which a *habeas corpus* was, by a commissioner of the Supreme Court of New York, directed to "Isaac Chauncey, Commandant of the Navy of the United States on Lake Ontario, and to Morgan Lewis, commanding the troops of the United States at the station of Sackett's Harbor, and to each and every subordinate officer under the said commandants, or either of them," commanding them to bring before the commissioner the body of Samuel Stacy, Jr., together with the cause, &c.† Morgan Lewis, as general of division in the army of the United States, returned that Stacy was not in his custody. Royal Torrey, Provost Marshal, returned that he held Stacy by virtue of a warrant directed to him by J. Chambers, Assistant Adjutant-General, commanding him to receive Stacy into the custody of the provost guard, from Commodore Chauncey, who charged him with an act of high treason against the United States, committed within the territory of the king of Great Britain. Affidavits were filed, and the commissioner submitted the papers to the Supreme Court for aid and advice. In that court a motion was made for an attachment, or a rule to show cause why an attachment should not be issued, against General Lewis, Torrey, &c. The opinion of the court was

* 11 Mass. Rep. 63, 67, 83. † 9 Johns. Rep. 239.

delivered by Chief Justice Kent, who said that the return of General Lewis was bad on the face of it; that it was evidently an evasive return; that he ought to have stated, if he meant to excuse himself for the non-production of the body of the party, that Stacy was not in his *possession* or *power*. And after examining the evidence tending to show that Stacy was in the custody of General Lewis, and stating that the court was bound to consider the order issued from the Adjutant-General's office and the detention under it as the act of General Lewis, the Chief Justice said that there was apparent on the face of the return a contempt of the process, and that one of the affidavits proved not only that Stacy was in custody under the order and by the authority of General Lewis, but that the direction of the writ was intentionally disregarded, and that the only question that could be made was, whether the motion for an attachment should be granted, or whether there should be a rule upon the party offending to show cause, by the first day of next term, why an attachment should not issue. The conclusion was, an order that an attachment should issue, but should not be served if General Lewis should forthwith, on being served with a copy, discharge Stacy, or cause him to be brought before the commissioner in obedience to the *habeas corpus*.

The only remark which it is necessary to make upon this case, in connection with the present discussion, is, that the attention of the court does not seem to have been directed for an instant to the question whether the existence of the war at that time could have any effect upon the right of the military force to make the arrest, or of the commander to hold the party arrested. And as General Lewis did not claim the right to hold him exempt from the operation of the *habeas corpus*, but made a return to the writ, in the ordinary course, perhaps it may be said that he must be held thereby to have waived any such right, if he possessed it. There can be no doubt that, supposing an exemption from the operation of the *habeas corpus* to exist by reason of the existence of a war, a commanding officer may, in his discretion, waive any right to insist upon the exemption, and yield obedience to the command of the writ, unless controlled by the orders of a superior

officer. If a party exempt from the performance of military duty should, notwithstanding, be summoned to the performance of that duty, he may, if he please, waive his right to the exemption.

The high character of the judicial tribunal which passed upon Stacy's case undoubtedly gives a kind of weight even to its omissions; but it is not to be inferred that no distinction exists in respect to the duty of obedience to the writ of *habeas corpus* in time of war and in time of peace, merely because that distinguished tribunal failed to make one, when its attention was not called to the subject. If such an inference were drawn, it would cover every case; and yet it is most clear that cases exist in time of war in which a commanding officer is exempt from arrest on civil process, and from any command to produce a prisoner before a judicial tribunal, even when constitutional provisions are found asserting the liberty of the citizen and the supremacy of the civil authority in much more emphatic terms than those cited by Mr. Chief Justice Taney from the Constitution of the United States. One provision of the Constitution of Massachusetts is, that "Every subject has a right to be secure from all unreasonable searches and seizures of his person, his houses, and all his possessions. All warrants are contrary to this right, if the cause and foundation of them are not previously supported by oath or affirmation." Another clause declares, that "the military power shall always be held in exact subordination to the civil authority, and be governed by it." Another, that "the power of suspending the laws, or the execution of the laws, ought never to be exercised but by the Legislature, or by authority derived from it," &c. Another, that "no person can in any case be subjected to the law martial, or to any penalties or pains by virtue of that law, except those employed in the army or navy, and except the militia in actual service, but by authority of the Legislature." Now whether, consistently with this last provision, any officer acting under the authority of Massachusetts can declare martial law, or whether martial law can exist in connection with any proceedings of the officers of that Commonwealth, while acting under State authority, so as to affect citizens not in the militia or naval

service, without an act of the Legislature for the purpose, is a question the discussion of which may be waived at this time, as there is no similar provision in the Constitution of the United States controlling persons acting under that government. But the question whether, in the time of an actual insurrection, and an attempt to quell that insurrection by a military force actually in the field, the commander of the military force, and the officers and men under him, would be subject to all the ordinary civil liabilities for acts done, to which they would be subject for like acts done in time of peace, is, notwithstanding all these constitutional provisions, another and a very different question. That the military ought always to be subject to the civil power is a general truth applicable to times of peace, but applicable in its full extent only to times of peace. The most ordinary effort of reflection will assure us that in a time of war it has no application to the military power in the field, actively prosecuting the war, even if there is no action of Congress or of the President, under the Constitution of the United States, suspending the writ of *habeas corpus*. On the contrary, thus applied, it would or might be subversive of the efficiency of military operations. It requires but a moderate degree of common sense to arrive at the conclusion, that a commanding general in Massachusetts, marching to the battle-field, at the head of his column, in performance of his military duty to suppress an insurrection, is for the time exempt from arrest on civil process, whether the action be in contract or tort. Otherwise the army must stop while the sheriff makes the arrest and the general gives bail; but in the mean time the insurrectionists may attack and rout his forces, who are waiting for the execution of the bail-bond.

It may perhaps be argued, that there is no legal exemption in such cases, but that no arrest could be made because the commanding officer would resist; and although the resistance would be unlawful, yet no jury could ever be found which would give more than nominal damages. But if it be true that there is no exemption from the arrest, it would be the duty of the commander to submit to it; the resistance would be the obstruction of an officer in the execution of his duty,

subjecting the party to indictment; and, moreover, the sheriff who attempted to make the arrest might summon the *posse comitatus*, and thereupon insist that the general should give bail, and answer also to a complaint for resisting the arrest; or else he must fight the *posse* before he could be permitted to fight the insurrectionists.

To talk of a duty to suspend the military operations, submit to an arrest, and give bail, under such circumstances, is sheer nonsense. It is clear that the officer, being in duty bound to the State and the people to perform the military service upon which perhaps the fate of the government was depending for the time being, could not consistently be held to be a wrong-doer for persisting in the performance of that as the superior duty. The civil responsibility to arrest must be held, by any court giving a reasonable construction to the Constitution and to the law, as suspended for the time being by the paramount military obligation. In other words, the military law must be held to supersede the civil in that exigency, and this in consistency with, and not in antagonism to, the Constitution.

Still more clear must it be to the most indifferent comprehension, that the commander of a column, thus marching to battle against insurgents, is not bound to encamp his men, and, in obedience to the command of a writ of *habeas corpus*, to repair forthwith to the court-house, wherever that may be, or to a judge's chambers, if that be the place selected, taking with him a soldier, whose friends, anxious lest he should be killed in the encounter, have procured the writ upon the ground that he is a minor, and his enlistment into the service illegal and void, and that the order of the commanding officer requiring him to march to the battle is an unlawful duress and detention, he having previously requested a discharge. An examination of the case might require two or three days. The party who should procure such a writ, and attempt thereby to suspend the military operations, would be loaded with execrations; and the general who, under such circumstances, should yield obedience to it, would be deservedly cashiered. But if the civil responsibilities existed as in time of peace, the refusal to make a return would be a contempt of

court, for which an attachment should issue; and the general should be arrested, taken before the judge, and fined, perhaps imprisoned. If we find no special exemption from the operation of the civil process in such case in the Constitution or laws of the State, the exemption will rest, not merely upon the fact that the commander would assuredly forthwith use his military power to prevent the attachment, but upon the military responsibility which then rests upon him, and the military law by which he is governed under the Constitution, altogether inconsistent with, and superseding, the civil responsibility.

But it is not sufficient that we reach the conclusion by intuition, as it were, in cases of such an extreme character. The inquiry presents itself, How far does the principle apply upon which this exemption from civil responsibility rests? The cases which have occurred, and which are likely to occur hereafter, are not cases of an attempt to serve the writ of *habeas corpus* on the actual battle-field, or on the immediate march to it.

If, in discussing the principles involved in the subject, we turn to the early history of the *habeas corpus* in this country, we find very little to aid us in our investigation. The American Colonists generally claimed all the liberties and privileges of natural-born subjects of the realm, and the benefit of the common law for the vindication of those liberties, as a part of their birthright. There is nothing, however, to be found respecting this writ in their earlier history which can render us any service.

In 1689, an application to Judge Dudley in Massachusetts for the writ was "arbitrarily refused," which denial was made the subject of a subsequent suit against the judge.* A pamphlet was published in Boston during that year, in which the denial of the writ was alleged as one of the grievances of the people. In 1692 an act was passed by the Assembly for the better securing of the liberty of the subject and the prevention of illegal imprisonment, which regulated proceedings on the writ.

About the same time the Assembly of South Carolina adopt-

* Washburn's Judicial History of Massachusetts, p. 106.

ed the Act of 31 Charles II., it would seem for the especial benefit of the pirates who were then in the habit of settling in that State, and who, making themselves friends of the mammon of unrighteousness which they had acquired, procured the passage of the act as a protection against the Proprietary government, which was desirous of punishing them for their piracy.*

After the year 1700 there is evidence of the use of the writ from time to time in several of the Colonies. Instances are collected in Mr. Hurd's treatise, but we have found no case in the Colonial history where there was a question respecting its application to military operations in time of war.

The denial or suspension of the writ is not alleged, in terms, in the Declaration of Independence, as one of the grievances of the Colonies; but "transportation beyond seas, to be tried for offences," is in the enumeration; and the abolition "of the free system of the English laws in a neighboring Province, establishing therein an arbitrary government and enlarging its boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies," which is the next charge in the Declaration, refers, it is understood, to an act making more effectual provision for the government of the Province of Quebec, passed by Parliament in 1774, and which was opposed in the House of Commons because it left the inhabitants under the civil law of France, denying them the right of trial by jury, the writ of *habeas corpus*, &c.†

There seems to be little in the ante-Revolutionary history, therefore, which can serve to give a construction to the provision in the Constitution of the United States which has recently become the subject of so much comment. The debates upon the Quebec Bill may have had some influence in producing it; but an act of Parliament, passed in 1777, may have had a more direct effect. That act recited that rebellion and war had been traitorously levied and carried on in certain of his Majesty's Colonies in America, and that acts of treason

* Hurd's Habeas Corpus, p. 111; Hewitt's History of South Carolina, pp. 115–117.

† Hurd, p. 119.

and piracy had been committed on the high seas; that many persons had been seized and taken who were expressly charged, or strongly suspected, of such treasons and felonies; and that it might be inconvenient to proceed forthwith to the trial of them, and at the same time of evil example to suffer them to go at large; — and thereupon it was enacted, that all such persons, committed by any magistrate having competent authority in that behalf, should be detained in safe custody, without bail or mainprise, until the first day of January, 1778; and that no judge or justice should bail or try any such person until that date, without an order from the Privy Council. The fourth section confined it to acts committed without the realm.*

The original motion which gave rise to the clause in the Constitution was made by Mr. Charles Pinkney of South Carolina, but his proposition was amended on motion of Mr. Gouverneur Morris.†

The constitutional provision, instead of settling anything upon the subject, except a restriction of the power of suspension to two occasions, has introduced a new element of uncertainty, by raising a question whether suspension of the writ (which the clause, by implication, admits may exist) may be made or authorized by the President, or whether the power of suspension is confined to Congress alone. This question might involve another, to wit, whether the suspension is a denial of the writ itself, so that it cannot be issued during the term of the suspension; or whether it is merely an authority, in some way existing, permitting persons accused of certain classes of offences to be held against the operation of the writ when issued, so that a return that the party is committed or held on an accusation of such offence, if true in point of fact, will be a bar to further proceedings upon the writ. If it were the first, as the term "suspension" might seem to indicate, then it would be clear that the suspension which is thus restricted could be made only by Congress; for from the nature of the case no power could exist forbidding the writ to issue, except in Congress. It would require an act of legisla-

* Statutes at Large, 17 Geo. III. chap. 9.

† 3 Madison Papers, 1365, 1441.

tion. If, on the other hand, the suspension which is thus restricted is only an authority to hold a person arrested, against the operation of the writ, so that the party to whom it is directed is not bound to produce the prisoner according to its command, and may by a return show that he is not bound to produce him, or may refuse to produce him without a return, then the suspension may not only not require a legislative act in certain cases, but it may result from circumstances, without any act, legislative or otherwise, declaring a suspension. There seems to be no reasonable doubt that the suspension referred to in the Constitution is of this character, and not a prohibition of the issue of the writ. It is believed that the acts of Parliament which are known as suspensions of the *habeas corpus* do not purport to forbid the issue of the writ, or authorize a denial of it. Mr. Hurd* speaks of the statute 17 George III. chap. 9, as an act by which the writ of *habeas corpus* was denied, but it did not restrain the issue of it; and the act of 34 George III. chap. 54, referred to in Bacon,† only provided that persons detained for high treason, &c. might be held in custody without bail or mainprise until a certain day, and that no judge should bail or try a person so committed without an order from the Privy Council. It also suspended an act for preventing wrong imprisonment.

Now it is to be noted, that *the constitutional provision is not a grant of power*, but a restriction upon a power assumed to exist, and the exercise of which is to be limited; without any assertion or assumption when it exists, by whom it may be exercised, or under what circumstances it might be exercised but for the restriction and limitation. In whatever body or person, or under whatever circumstances, the *habeas corpus* might have been suspended, but for this constitutional limitation, by that body or person, and under those circumstances, it may still be suspended in time of rebellion or invasion; but by no body or person, nor under any circumstances, can it be suspended by means of any authority emanating from the United States, at any other time than when there is either rebellion or invasion, and the public safety requires it.

* Habeas Corpus, p. 132.

† Abridgment, Tit. *Habeas Corpus*, B. 4, note.

This distinction between a grant of power and a restriction upon a power has not been sufficiently adverted to in some of the discussions upon the subject. Mr. Chief Justice Taney himself treats the constitutional provision as a grant of power. He says, "The clause in the Constitution which *authorizes* the *suspension* of the privilege of the writ of *habeas corpus* is in the ninth section of the first article"; and as the provisions of that article relate mainly to Congress, he argues that the authority to suspend is conferred on Congress alone. Then he says: "It is the second article of the Constitution which provides for the organization of the Executive Department, and enumerates the powers conferred on it, and prescribes its duties. And if the high power over the liberty of the citizens, now claimed, was intended to be conferred on the President, it would undoubtedly be found in plain words in this article." Whereas, in truth, the Constitution did not intend to confer, in terms, any power to grant the writ of *habeas corpus*, nor any power to suspend it, but left the power to grant and the power to suspend to be settled by general principles, with the single exception of a limitation upon the power of suspension to the two exigencies which it specified.

There is therefore no question whether the Constitution, in the clause mentioned, confers the power of suspension upon Congress alone, or whether it gives it to the President also; for it gives it to neither. The power exists as an incident to other powers expressly conferred. That it is thus given as an incident is clear from the restriction itself, which would otherwise be wholly nugatory; for a restraint upon a power is in itself in no sense a grant of the power upon which the restraint is imposed. Congress possesses the power to suspend the *habeas corpus*, as an incident to its power to suppress an insurrection, and as an incident to its power to make war, because a suspension may be made by a legislative act; and but for the restriction, Congress might suspend it in case of war when there was no invasion of the United States. Whether the President possesses the power to order or authorize it, as an incident to his office as commander-in-chief of the army and navy, or whether he has it as an incident to his duty to see the laws faithfully executed, we do not propose to inquire.

The opinion of the learned Attorney-General upon the latter point is already before the public, and we do not deem the settlement of those questions necessary to our present purpose.

Taking the constitutional provision as a clause of restraint, the inquiry which is presented to us is, under what circumstances, upon the more general principles of law, may there lawfully be a refusal to produce, in obedience to the writ of *habeas corpus*, a person detained or imprisoned in time of rebellion or invasion. Starting, as Mr. Chief Justice Taney did, with the grave error in his premises of supposing a restraint upon a power to be a grant of it, it is not surprising that he did not reach any right conclusion upon this subject. It would have been wonderful had he done so.

Upon the inquiry thus indicated, our first proposition is, that in time of actual war, whether foreign or domestic, there may be justifiable refusals to obey the command of the writ, without any act of Congress, or any order or authorization of the President, or any State legislation for that purpose; and the principle upon which such cases are based is, that the existence of martial law, so far as the operation of that law extends, is, *ipso facto*, a suspension of the writ.

The existence of martial law and the suspension of the *habeas corpus* have been said to be one and the same thing; but in fact the former includes the latter, and much more. Wherever that law exists, searches and seizures may be made without warrant, and persons may be arrested without process. The search, seizure, and arrest give no cause of action. The detention, unless there is an abuse, furnishes no claim for damages against the officer who enforces it.

The case Luther *vs.* Borden and others * covers this whole ground. That case, it is familiarly known, arose out of an attempt to change the government of Rhode Island, and was an action of trespass for assault and false imprisonment, brought for breaking and entering the plaintiff's house with an armed force, and taking and holding him as a prisoner. The defendants offered several pleas in justification, setting forth in substance the existence of an insurrection to over-

* 7 Howard's Supreme Court Reports, 1.

throw the government of the State by military force, — that at the time of the alleged trespasses the State was under martial law, declared by the General Assembly in defence of the government, — that the plaintiff was aiding and abetting the insurrection, and the defendants, being enrolled in a certain company of infantry, were ordered to arrest the plaintiff, and if necessary to break and enter his dwelling-house for that purpose, — that it was necessary, and thereupon they did break and enter, and searched his house, doing as little injury as possible, &c. The action was designed not merely for the private remedy, but to test the questions which arose between the two political parties. Mr. Chief Justice Taney then said, speaking of the state of affairs in Rhode Island (where, by the way, armed collision was only threatened, without an actual conflict of the opposing forces) : —

"In relation to the act of the Legislature declaring martial law, it is not necessary in the case before us to inquire to what extent, nor under what circumstances, that power may be exercised by a State. Unquestionably a military government, established as the permanent government of the State, would not be a republican government, and it would be the duty of Congress to overthrow it. But the law of Rhode Island evidently contemplated no such government. It was intended merely for the crisis, and to meet the peril in which the existing government was placed by the armed resistance to its authority. It was so understood and construed by the State authorities. And unquestionably a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every government, essential to the preservation of order and free institutions, and is as necessary to the States of this Union as to any other government. The State itself must determine what degree of force the crisis demands. And if the government of Rhode Island deemed the armed opposition so formidable and so ramified throughout the State as to require the use of its military force and the declaration of martial law, we see no ground upon which this court can question its authority.

"It was a state of war; and the established government resorted to the rights and usages of war to maintain itself, and to overcome the unlawful opposition. And in that state of things the officers engaged in its military service might lawfully arrest any one who, from the information before them, they had reasonable grounds to believe was engaged in the insurrection, and might order a house to be en-

tered and searched, where there were reasonable grounds for supposing he might be there concealed. Without the power to do this, martial law and the military array of the government would be mere parade, and rather encourage attack than repel it."

He added: —

"No more force, however, can be used than is necessary to accomplish the object. And if the power is exercised for the purpose of oppression, or any injury wilfully done to person or property, the party by whom or by whose order it is committed would undoubtedly be answerable."

This last is but the application of the ordinary principles of law to cases of the abuse of powers conferred by law.

Now it is quite clear that if a state of war and the existence of martial law will authorize the officers engaged in the military service to break open and search a house where there is reason to suppose that a person, whom they have reasonable grounds to believe was engaged in an insurrection, is concealed, and to arrest him if found, without any warrant from a magistrate for that purpose, *a fortiori* they may hold him after his arrest against any civil process issued for his liberation. The law of the arrest is the law of the detention, and the *habeas corpus* is suspended so far that no return to the writ can be required of the officer who holds the prisoner under the law which authorized the arrest. To say that the military authorities had a right without warrant to break and enter what in time of peace is denominated a man's castle, and that they may without warrant lawfully arrest any one, on reasonable information that he was engaged in the insurrection, and then to hold that the authority thus making the arrest was bound thereupon to obey the writ of *habeas corpus* and bring the party before a magistrate, on the ground that the arrest and imprisonment were unlawful, and that he was entitled to his discharge forthwith, because the arrest and detention *were thus without a civil warrant*, would be an inconsistency and absurdity of which Mr. Chief Justice Taney could hardly be guilty when he put *this* and *that* together. And yet he relies upon the constitutional provision that no person can be arrested without warrant, to show that Merryman ought to have been brought before him, and that he was entitled to be discharged.

If, therefore, Merryman's arrest or detention was under martial law, then, on the principle enunciated by the Chief Justice, as the organ of the court, in Luther *vs.* Borden, the arrest or imprisonment cannot be declared to be unlawful.

Before proceeding to inquire whether martial law was actually in existence at Fort McHenry when the Chief Justice issued the writ requiring General Cadwalader to produce the body of Merryman before him, and to make return of the cause of his detention, it may be well to dispose of two or three incidental questions.

Supposing martial law to have been in existence at the time, and that General Cadwalader held Merryman lawfully under it, was not the General bound to make his appearance before the Chief Justice, with his prisoner, and to make a return according to the requirement of the writ of *habeas corpus*, so that it might appear to the civil authority that the prisoner had been arrested, and was held, under martial law? So far from this being true, we are of opinion that it may safely be asserted that, if the prisoner was actually held under martial law when the writ was issued, the military commander who was then authorized to enforce martial law, and was himself subject to it, was not bound to obey the writ, even supposing the arrest and the imprisonment to have been so far unlawful that an action would lie to recover damages for an abuse of the power under which the arrest and detention were had.

The right to a remedy in damages would not interfere with the due maintenance and execution of martial law, if there was no attempt to enforce it by an arrest of the military officer while in the execution of his military office; which, if attempted, might, as we have seen, raise another question. But it seems to be perfectly clear that the party holding a prisoner under martial law cannot be required to bring him up for an examination under the municipal law. If he might be, then, in the language of Mr. Chief Justice Taney in Luther *vs.* Borden, before cited, "martial law and the military array of the government would be mere parade, and rather encourage attack than repel it." Let us test this. It will not be denied, we presume, that it is one of the first duties of a mili-

tary commander in time of war, if not the very first, to hold the post and perform the military duty assigned to him, and to keep watch and ward, not only that there may be no detriment to the service by open assault of the public enemy, or by secret plots of concealed traitors, but to make sure that the troops under him, with the material of war intrusted to his care and management, are at all times in readiness for such service as may be required of him by the orders of his superior officers, or by the exigencies of the public service if he have a separate, independent command. If he is a subordinate officer, he cannot, according to the law which ordinarily governs him, leave the post he is ordered to occupy and hold, without a military order for that purpose, upon the penalty denounced by that law; and that penalty may be death itself. Now the question comes, May the command of the civil process justify him in abandoning the duty with which he is thus intrusted, or in committing it to other parties for the time being, in order that he may attend court? If the military law which governs him is martial law, it is very clear that he cannot justify or excuse his absence from his post on such a command; for if martial law, when it is in existence, supersedes the civil law, as we have seen from the opinion of Mr. Chief Justice Taney that it does, and as it evidently must do, then "it follows, as the night the day," that no command of any civil officer, requiring a commander to leave his post and violate his military obligation, could impose any duty upon him. As we have said, an officer in an independent command might exercise a discretion on the subject; but that is not material to the argument.

It appears in the opinion of the Chief Justice that the application for the *habeas corpus* was made to him while in Washington, under the impression that he would order the prisoner to be brought before him there; but as Merryman was confined at Fort McHenry, within his circuit, he resolved to hear the case at Baltimore, "*as obedience to the writ, under such circumstances, would not withdraw General Cadwalader, who had him in charge, from the limits of his military command.*" The Chief Justice very coolly puts this as a matter of discretion, and as if he might be entitled to some credit for not

requiring the General to absent himself from the limits of his military command in time of war, thereby superseding him for the time being, depriving the military arm of the country of the services of an officer of such high grade, who had command of a district which required sleepless and untiring vigilance for the preservation of order; without once considering the consequences which might have resulted had he thus required the officer to leave his post, to repair with his prisoner to a place outside of his military district, and there to remain with the prisoner until the lawyers could argue the case, and a decision could be made. If a thought had been given to that matter, it might have led to the inquiry, how far, upon general principles, without any legislative suspension or any formal declaration of martial law, the writ of *habeas corpus* can penetrate a military camp, in time of war, and arrest the whole military operations of the government at that place.

If Mr. Chief Justice Taney could thus have required the attendance of General Cadwalader at Washington, Mr. Justice Catron, if the insurgents had not driven him from Tennessee, might require the general in command at St. Louis to repair to Nashville, bring with him the body of any person taken in Missouri in arms against the government, and there show cause why he holds him as a prisoner. If there were any other Confederate General than Pillow threatening to come up the Mississippi, the idea of such a legal power at the time we are writing would be perfectly preposterous.

If such might be the consequences of the propositions laid down by Mr. Chief Justice Taney, the judicial power may be made quite as effectual to overthrow the government in time of war as the suspension of the *habeas corpus*, by order of the President, in time of peace, could be to overthrow the liberties of the people, — somewhat more so, indeed, as the effect of the latter could be more readily and securely avoided. Judge Catron may probably make his peace with the insurgents, if he will take his stand at Nashville, issue the writ, and cause it to be obeyed.

But it may be urged, that the return to the writ in Merryman's case, so far as there was a return, was that the President had suspended the *habeas corpus*, or had authorized

General Cadwalader to suspend it; that, if neither of them had power to do so, there was nothing to show the existence of martial law, or any impediment to the full operation of the writ; and that it is necessary, therefore, to establish the power of the President in the case.

To this it may be answered, that the Chief Justice had knowledge of the existence of war. That was a fact which did not require proof before him. He was bound to take judicial notice of the President's proclamation. If, without further proof than was then before him, he could not judicially know, also, that troops from Massachusetts and from Pennsylvania, hastening to the relief of the capital, had been assailed in the very city where he was proposing to bring up the prisoner, he was not bound to ignore that fact, but might well, upon such knowledge as he must undoubtedly have had in common with the rest of the community, have made an inquiry whether there had not been an actual armed collision, by which several persons had been killed, and troops from Pennsylvania turned back, showing a state of insurrectionary violence; for, although this collision was brought on by the irregular force of a mob, the evidence before him, and on which he assumes to found his opinion, might have shown him that this violence of the mob was in fact insurrectionary, as is abundantly shown by the destruction of the bridges and railroads for the purpose of preventing more troops from reaching the capital. It was for the destruction of the bridges with this intent, among other things, that the prisoner, Merryman, was arrested. If the judicial mind of the Chief Justice required more formal evidence of these matters, it could readily have been furnished. But this is not material, for the Chief Justice knew, from the evidence before him, that Merryman was held by a military power called out for the purpose of suppressing the insurrection against the government, and that he was held in a military fortress belonging to the government, and then occupied by the military forces of the government, for the purpose of resisting and quelling this insurrection. He sent his writ to the fort, directed to the general who, as he understood, commanded the military district, — a district which had been created by reason of the insurrection, and

a general who had been called into service for the very purpose above mentioned; and if martial law existed at the time and place, from general principles of law applicable to such a condition of things, the Chief Justice was bound to take judicial notice of that fact without further evidence.

This brings us to the question, Was martial law in existence at Fort McHenry at the time when the writ was issued and the return made? In order to determine this question, we inquire, What is martial law? It is said that there is a distinction between military law and martial law. Undoubtedly there is to this extent, that military law is for the government of the military force, and does not necessarily imply the existence of martial law. Military law may and does exist in time of peace, for the government of the army; but martial law includes military law, and it exists only in time of war. The Duke of Wellington is quoted as having said, that "martial law is the will of the commander-in-chief," and Blackstone says it "is built upon no settled principles, but is entirely arbitrary in its decisions." With such a scope and extent it cannot exist in this country consistently with the Constitution, for it would be utterly subversive of the Constitution for the time being. Neither the President nor Congress can constitutionally proclaim or authorize such a power, nor can it exist by the general principles of law. Burrill, in his Dictionary, defines it as "An arbitrary kind of law or rule, sometimes established in a place or district occupied or controlled by an armed force, by which the civil authority and the ordinary administration of the law are either wholly suspended or subjected to military power." This is founded upon the idea of Blackstone, and is clearly imperfect as a definition, unless the military power which exercises this law or rule is not responsible to the civil authority in any mode for the manner of its exercise; which in this country is clearly contrary to the fact. It has been said, that it is "founded upon a paramount necessity." Of course, then, it extends as far as the necessity extends, and no further. It may be that in certain cases the military authority must judge of the military exigency, so that its determination whether the military necessity exists will be conclusive; but

still the power will be restricted to the scope of the necessity which it has been determined exists, so that if an arbitrary force is used, having no connection with the exigency, or not within the possible scope of the necessity, the party guilty of it will be civilly responsible for his acts.

If the military commander should depart from the possible scope of the military necessity, and commit a private wrong, disconnected from it, as for instance a personal assault to gratify private revenge, the existence of martial law would not excuse him from punishment afterward by a judicial tribunal. So if, under pretence of the exercise of martial law, he should be guilty of unnecessary force or oppression, showing an abuse of the power demanded by the military necessity. This is substantially the principle laid down in Luther *vs.* Borden, where the court say: "No more force can be used than is necessary to accomplish the object, and if the power is exercised for the purposes of oppression, or any injury wilfully done to person or property, the party by whom or by whose order it is committed would undoubtedly be answerable."

Martial law, then, is that military rule and authority which exists in time of war, and is conferred by the laws of war, in relation to persons and things under and within the scope of active military operations in carrying on the war, and which extinguishes or suspends civil rights, and the remedies founded upon them, for the time being, so far as it may appear to be necessary in order to the full accomplishment of the purposes of the war; the party who exercises it being liable in an action for any abuse of the authority thus conferred. It is the application of military government — the government of force — to persons and property within the scope of it, according to the laws and usages of war, to the exclusion of the municipal government, in all respects where the latter would impair the efficiency of military rule and military action.

Founded upon the necessities of war, and limited by those necessities, its existence does not necessarily suspend all civil proceedings. Contracts may still be made, and be valid, so long as they do not interfere with or affect the military oper-

ations. A mere trespass by A. upon the land of B., unconnected with military service, is none the less a trespass, and does not require a military trial or determination. The courts are not necessarily closed, for all actions relating merely to the private affairs of individuals may still be entertained without detriment to the public service; but it closes the consideration there of any action, suit, or proceeding in which the civil process would impair the efficiency of the military force. Chief Justice Taney's court might be open, but he could not subject General Cadwalader to any civil duty which conflicted with his military duty.

We shall ascertain its extent in some measure if we inquire, What are the rights and usages of war under which, according to the opinion of the court in Luther *vs.* Borden, the government, in order to maintain itself, and to overcome the unlawful opposition, may lawfully arrest persons without warrant, and for this purpose may forcibly enter a house on suspicion that a person engaged in the insurrection is concealed there? What are the rights and usages of war according to which persons may be seized and held because the public safety requires it, — or because the conduct of the enemy requires that hostages be taken, — or according to which persons may be impressed, for the time being, into the military service, and required to perform military duty, — or property may be destroyed, or seized and used for the military service, without the assent of the owner? If such rights and usages might exist without the existence of martial law, they would be sufficient for our present purpose; for when such rights exist, we have already shown that the *habeas corpus* is necessarily suspended. But the existence of such rights seems to indicate with precision the existence of martial law.

A question has arisen whether a commanding general can, by proclamation of martial law, give force to this military rule beyond the limits of his camp, or of the military position occupied by him. Mr. Justice Woodbury, in Luther *vs.* Borden, expressed the opinion that he might do so over a space near the field of his operations.* And it is well known that

* 7 Howard's Rep. 83.

other very distinguished gentlemen have entertained like opinions, or perhaps those giving the proclamation a greater territorial operation.

Now it may, we think, be laid down as a safe principle, that in time of war any fort or camp occupied by a military force, for the purposes of the war, is *ipso facto*, without any special proclamation, under the government of martial law, such as we have described it. And the same, in our opinion as at present advised, is equally true of any column of soldiers mustered into active service for the like purpose, whether on the march or at rest. It is not necessary to speak of soldiers mustered into the service of the government, but stationed at a distance for the purpose of being called into active service when occasion may require. They may, or they may not, be under the government of military law only, as in time of peace. But this cannot be said of troops actively engaged in the service of the government. Whether those troops are in the face of the enemy, in battle array, or whether they are merely garrisoning a fort to aid thereby in suppressing a rebellion, or whether they are opening and holding the avenues by which the passage of other troops to the theatre of active war is to be facilitated, the law which governs the place where they are is martial, and not municipal. This is necessary to enable the government to use the military force efficiently, and also for the protection of the officers and soldiers.

There are very respectable authorities which tend to support this position, although we admit that the subject has not been very fully discussed.

We refer, in the first place, to a speech of Mr. John Quincy Adams in the House of Representatives, on the 14th and 15th of April, 1842, which was reported in the National Intelligencer, April 16th and 19th, and afterward printed in pamphlet form at the Emancipator office, in Boston. Upon a motion to strike out so much of an appropriation bill as related to the salary of a minister to Mexico, and a motion to amend that amendment by reducing the appropriation for the missions to Austria and Prussia one half, the debate, as usual, ran off into topics having no connection whatever with the

subject nominally under consideration, and, among other matters, into the consideration of the emancipation of slaves. Mr. Adams said: —

"When your country is actually in war, whether it be a war of invasion or a war of insurrection, Congress has power to carry on the war, and must carry it on according to the laws of war; and by the laws of war an invaded country has all its laws and municipal institutions swept by the board, and martial law takes the place of them. This power in Congress has, perhaps, never been called into exercise under the present Constitution of the United States. But when the laws of war are in force, what, I ask, is one of those laws? It is this: that when a country is invaded, and two hostile armies are set in martial array, the commanders of both armies have power to emancipate all the slaves in the invaded territory. Nor is this a mere theoretic statement. The history of South America shows that the doctrine has been carried into practical execution within the last thirty years. . . . . And here I recur again to the example of General Jackson. What are you now about in Congress? You are about passing a grant to refund to General Jackson the amount of a certain fine imposed upon him by a judge under the laws of the State of Louisiana. You are going to refund him the money, with interest; and this you are going to do because the imposition of the fine was unjust. And why was it unjust? Because General Jackson was acting under the laws of war, and because *the moment you place a military commander in a district which is the theatre of war, the laws of war apply to that district.* . . . . . I might furnish a thousand proofs to show that the pretensions of gentlemen to the sanctity of their municipal institutions under a state of actual invasion and *of actual war, whether servile, civil, or foreign,* is wholly unfounded, and that the laws of war do in all such cases take the precedence. *I lay this down as the law of nations.* I say that the military authority takes, for the time, the place of all municipal institutions, and slavery among the rest. I am open to conviction, but until that conviction comes, I put it forth, not as a dictate of feeling, but as a settled maxim of the laws of nations, that in such a case the military supersedes the civil power."

A writer of several articles published in the Louisville Journal, and afterward collected in a pamphlet, — who admitted that he had, up to the time of writing, "supposed that, in the estimation of all intelligent men in this country, martial law stood upon the precise same footing, and none other, as Lynch law, Regulators' law, or mob law," and who said that "in a

legal or moral sense they all have the precise same basis," and that "they are equally the same arbitrary usurpation of power, without a particle of law or right to sustain either," — denounced Mr. Adams's speech, and the speeches also of Mr. Buchanan and Mr. Berrien upon the question of remitting General Jackson's fine, in very strong terms; asserting that the doctrine "promulged" was, that martial law is "a law paramount to the Constitution itself, — a law which sweeps the Constitution and all other civil law by the board, and leaves the property, the liberty, and the life of every citizen at the will of a military despot."

In a subsequent debate in the House, January 5, 1843, Mr. Adams referred to this pamphlet, and said that in it he was charged with having given an opinion in relation to the power of a commanding general to declare martial law that was utterly at variance with freedom and the laws of nations, and he wished to have an opportunity of answering that charge. He wished to have an opportunity to explain and defend the opinions he had given. But the debate was continued, so far as we are aware, without the desired defence and explanation.

Mr. Berrien is reported to have said, that "General Jackson was perfectly excusable, under all the circumstances of the case, in declaring martial law, and that he was equally excusable in disobeying the writ of *habeas corpus*."

Mr. Justice Woodbury, in the dissenting opinion delivered by him in Luther *vs.* Borden, while taking a different view of martial law from that adopted by a majority of the court, and denying the authority of the Legislature of Rhode Island to declare martial law under the existing circumstances, said: —

"The necessities of foreign war, it is conceded, sometimes impart great powers as to both things and persons. But they are modified by those necessities, and subjected to numerous regulations of national law and justice and humanity. These, when they exist in modern times, while allowing the persons who conduct war some necessary authority of an extraordinary character, must limit, control, and make its exercise, under certain circumstances, and in a certain manner, justifiable or void, with almost as much certainty and clearness as any provisions concerning municipal authority or duty. So may it be in some extreme stages of civil war. Among these, my impression is that a

state of war, whether foreign or domestic, may exist, in the great perils of which it is competent, under its rights and on principles of national law, for a commanding officer of troops under the controlling government to extend certain rights of war, not only over his camp, but its environs and the near field of his military operations. (6 American Archives, 186.) But no further, nor wider. (Johnson *vs.* Davis et al., 3 Martin, 530, 551.) On this rested the justification of one of the great commanders of this country and of the age, in a transaction so well known at New Orleans.

"But in civil strife they are not to extend beyond the place where insurrection exists (3 Martin, 551); nor to portions of the State remote from the scene of military operations, nor after the resistance is over, nor to persons not connected with it (Grant *vs.* Gould et al., 2 Hen. Bl. 69); nor even within the scene can they extend to the person or property of citizens against whom no probable cause exists which may justify it (Sutton *vs.* Johnson, 1 D. and E. 549); nor to the property of any person without necessity or civil precept. If matters in this case had reached such a crisis, and had so been recognized by the general government, or if such a state of things could and did exist as to warrant such a measure independent of that government, and it was properly pleaded, the defendants might perhaps be justified within those limits, and under such orders, in making search for an offender or an opposing combatant, and, under some circumstances, in breaking into houses for his arrest." *

In the closing part of his opinion he says: —

"And though it is very doubtful whether in any other view, as by the general rights of war, these respondents can justify their conduct on the facts now before us, yet they should be allowed an opportunity for it."

It is quite clear, therefore, that the learned judge recognized "*certain general rights of war*," under which parties would be justified in making searches and seizures without warrant, and in breaking into houses for that purpose. The limitations which he suggests would to a great extent defeat the right, unless the judgment of the military authority respecting the existence of the exigency in which the right may be exerted is to be held conclusive on that point. To submit that question, in all cases, to the subsequent determination of a jury, would not be consistent with the principle upon which the

* 7 Howard's Rep. 83.

right is founded, — which must be the existence of a rule superseding the municipal law in the particular case, which rule is martial law.

The personal irresponsibility of officers and soldiers for acts which would in time of peace be trespasses upon other persons will serve to show the existence of martial law; for the irresponsibility can be sustained only on the laws of war. The existence of martial law formed, as we have seen, the justification of the defendants in Luther *vs.* Borden, for breaking the house and seizing and holding the plaintiff without warrant. It was the only justification.

To state the question, then, in another form, How far does this personal irresponsibility or justification extend in such cases? Upon this question, undoubtedly, opinions have not been uniform.

We believe it to be a sound principle, that, in time of war, every soldier mustered for the active purposes of the war, whether in fort, camp, or column, is bound to yield implicit obedience to any command of his superior which may be within the scope of the military service due from him, without any inquiry whether such command would be justifiable according to the rules of the municipal law; and he is excused from civil responsibility for the performance of the act required, because of this obligation. Our principle, of course, does not embrace acts required and done which are entirely aside from his military duties.

It must be admitted that the writer in the Louisville Journal, to whose articles we have referred, does not sustain our proposition. He says: —

"We are told of two cases of the violation of law and private right by Washington, at the siege of York, as the two greatest, if not the only, instances of the usurpation of power by him during the whole of the Revolutionary war. They will serve as examples to elucidate the subject, verging as they do to the very utmost limit of what an officer may do, and stand morally excused, without being excused by the law. One was the demolition of a house that stood in the way of his approaches to the works of the enemy, and the other authorizing the seizure of some cattle, indispensable to the sustenance of his army. Both were, even strictly speaking, necessary violations of law and private right, but no otherwise so, except in a moral sense, than if the

same things had been done by a private individual. Legally speaking, the acts derived no validity from the facts of their having been done by a military commander under circumstances of the most urgent state necessity. He, no doubt, would voluntarily have made good the damage out of his own pocket, if redress could have been had in no other way; but he could have been compelled to do so in a court of law. The circumstances attending the acts would have aided his defence no otherwise than to prevent the jury from giving what is termed smart-money. If he had sold the cattle or bartered them for other provisions, he would not have transferred the title; but the owner could still have recovered them from whomsoever he might have found in possession. If the owner had resisted, and killed the officer making the seizure, it would have been justifiable homicide; if the officer had killed him, it would have been murder."

Such doctrine needs no other refutation than its evident absurdity. If General Washington was a trespasser in ordering the acts thus specified, every private soldier who assisted in the performance of the service was equally so; for the command to commit a trespass affords no justification for the act. Such is the general principle, and the principle was applied in Mitchell *vs.* Harmony, 13 Howard's Rep. 115.

The opinion of the Supreme Court of New York in the case of McLeod, even supposing it to be sound, does not conflict with our position. McLeod, who was a subject of the Queen of Great Britain, residing in Canada, was arrested in New York, charged with the murder of Durfee, who was killed at the time of the destruction of the steamer Caroline on the American side of the Niagara River, in December, 1837, because, as was alleged, she was employed in aiding the rebels in Canada, by carrying military stores to Navy Island. He was brought up on *habeas corpus*, in 1841, and his discharge was moved, among other reasons, because the attack on the Caroline was an act of public force, committed by command of the British government, all the defendant did being by the command of his superior officer, and in obedience to his own government; and because for acts done under such authority he was not responsible, personally and individually, in any court of law whatever. The court refused to discharge or bail him, holding that he was liable to be proceeded against individually in the criminal courts of New York for

arson and murder.* The soundness of the opinion was impugned by Mr. Webster, then Secretary of State,† and by other distinguished jurists; and it was controverted in a very able review by Judge Talmadge. But supposing it to be beyond question, the grounds upon which the court in New York proceeded were, that a nation can exercise the right of war only within its own territory, or that of its enemy, or in one which is vacant; that an order of a nation at war, for the destruction of life or property of its enemy within the territory of a neutral power is void, and affords no protection to persons acting under it; and that a sovereign has no right to compel his subject to enter a neighboring country and commit any unlawful act, whether in peace or war. ‡

The case Elphinstone *vs.* Bedreechund § is not precisely to the point, but it may serve to illustrate the subject. The marginal abstract of it is as follows.

"The members of the provisional government of a recently conquered country seized the property of a native of the conquered country who had been refused the benefit of the articles of capitulation of a fortress, of which he was governor, but who had been permitted to reside under military surveillance in his own house in the city in which the seizure was made, and which was at a distance from the scene of actual hostilities. *Held*, that the seizure must be regarded in the light of a hostile seizure, and that a municipal court had no jurisdiction on the subject.

"*Semble*, — The circumstances, that at the time of the seizure the city where it was made had been for some months previously in the undisturbed possession of the provisional government, and that courts of justice under the authority of that government were sitting in it for the administration of justice, do not alter the character of the transaction."

In the course of the argument the Attorney-General, Sir James Scarlett, said: —

"It is unnecessary to refer to any decisions upon the law of England, or any modern jurists, to illustrate the position, that in a state resulting from a state of war, if property is seized under an erroneous

* 25 Wendell's Rep. 483; 1 Hill's N. Y. Rep. 377.

† 25 Wendell's Rep. 512, note.

‡ 1 Hill's Rep. 378.

§ 1 Knapp's Reports of Cases before the Privy Council, 316.

supposition that it belongs to the enemy, it may be liberated by the proper authority, but no action can be maintained against the party who has taken it in a court of law. If our English naval commander seizes property as enemies' property, that turns out clearly to be British property, he forfeits his prize in the Court of Admiralty, and that court awards the return of it to the party from whom it was taken; but the case of Le Caux *vs.* Eden (Douglas, 573) decides the question that no British subject can maintain an action against the captor."

And again: —

"If property is taken by an officer under the supposition that it is the property of a hostile state, or of individuals, which ought to be confiscated, no municipal court can judge of the propriety or impropriety of the seizure; it can be judged of only by an authority delegated by his Majesty, and by his Majesty ultimately, assisted by your Lordships as his Council. There are no direct decisions upon such questions, because, as was stated by Lord Mansfield in Lindo *vs.* Rodney (Douglas, 592), they are cases of rare occurrence." *

The opinion given by Lord Tenterden, without reasons assigned, is in these words: —

"We think the proper character of the transaction was that of hostile seizure made, if not *flagrante*, yet *nondum cessante bello*, regard being had both to the time, the place, and the person, and consequently that the municipal court had no jurisdiction to adjudge upon the subject; but that, if anything was done amiss, recourse could only be had to the government for redress. We shall therefore recommend it to his Majesty to reverse the judgment."

The case Mitchell *vs.* Harmony † distinctly recognizes the principle which we state, but with some limitations, which may hereafter be found too stringent for its fair operation. In that case Mr. Chief Justice Taney said: —

"There are, without doubt, occasions in which private property may lawfully be taken possession of or destroyed to prevent it from falling into the hands of the public enemy; and also where a military officer, charged with a particular duty, may impress private property into the public service, or take it for public use. Unquestionably, in such cases the government is bound to make full compensation to the owner, but the officer is not a trespasser.

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* 1 Knapp's Reports, 357. † 13 Howard's Rep. 115.

"It is impossible to define the particular circumstances of danger or necessity in which this power may be lawfully exercised. Every case must depend on its own circumstances. It is the emergency that gives the right, and the emergency must be shown to exist before the taking can be justified."

"In deciding upon this necessity, however, the state of the facts, as they appeared to the officer at the time he acted, must govern the decision; for he must necessarily act upon the information of others, as well as his own observation. And if, with such information as he had a right to rely upon, there is reasonable ground for believing that the peril is immediate and menacing, or the necessity urgent, he is justified in acting upon it; and the discovery afterwards that it was false or erroneous will not make him a trespasser."

"The case mentioned by Lord Mansfield, in delivering his opinion in Mostyn *vs.* Fabrigas, 1 Cowp. 180, illustrates the principle of which we are speaking. Captain Gambier, of the British navy, by the order of Admiral Boscawen, pulled down the houses of some settlers on the coast of Nova Scotia who were supplying the sailors with spirituous liquors, the health of the sailors being injured by frequenting them. The motive was evidently a laudable one, and the act done for the public service. Yet it was an invasion of the rights of private property, and without the authority of law, and the officer who executed the order was held liable to an action, and the settlers recovered damages against him to the value of the property destroyed."

"If the power exercised by Colonel Doniphan had been within the limits of a discretion confided to him by law, his order would have justified the defendant, even if the commander had abused his power, or acted from improper motives. But we have already said that the law did not confide to him a discretionary power over private property. Urgent necessity would alone give him the right, and the verdict finds that this necessity did not exist. Consequently the order given was an order to do an illegal act, to commit a trespass upon the property of another, and can afford no justification to the person by whom it was executed. The case of Captain Gambier, to which we have just referred, is directly in point upon this question. And upon principle, independent of the weight of judicial decision, it can never be maintained that a military officer can justify himself for doing an unlawful act, by producing the order of his superior. The order may palliate, but it cannot justify." *

Let us illustrate the subject a little further. The march

* 13 Howard's Rep. 134 - 137.

of the New York Seventh Regiment, and of the Eighth Massachusetts under command of General Butler, to Washington, by the way of Annapolis, is too fresh in the recollection of most of our readers to require a minute detail of facts. At Annapolis they found that the Secessionists of Maryland had disabled the locomotive, and, as had been done on the direct route, had torn up the railroad track and destroyed the bridges. Under the direction of General Butler and other officers the locomotive was repaired, the cars put in running order, the track relaid, the bridges rebuilt, the transit of the troops secured, and Washington thereby rendered safe for the time being. It was the military duty of General Butler to march his force to Washington with all possible diligence; but if his command was not under the government of martial law, then it was, so far as the rights of other persons were concerned, subject to the municipal law.

If Mr. Chief Justice Taney's positions in Merryman's case are correct, then General Butler, and all of the Massachusetts Eighth and New York Seventh, were mere trespassers, severally liable to actions of trespass in favor of the railroad company and the inhabitants upon whose lands they came; and in such actions the sheriff would probably have been ordered to arrest the bodies of the defendants if it could have been done. Bail could hardly have been procured, and instead of arriving in Washington for the defence of the capital, the sheriff would have filled the jail of the county, and hired extra prisons in which to incarcerate them. If we are not misinformed, the Chief Justice of the State was one of the signers of a petition to that true and tried patriot, Governor Hicks, to call the Legislature together for the purpose of securing the secession of Maryland; and he would perhaps have presided at the trial, and with a Baltimore or any other Secession mob for a jury, the result may be imagined. In the mean time the Secessionists of that State would have mustered in force; those of Virginia and the other rebellious States would have been encouraged thereby to assail Washington on the other side, whereupon it must have fallen into the hands of the rebels, and the dismemberment of the Union have been surely accomplished.

If there is any person who has been of opinion that the ordinary principles of municipal law are applicable in times of war to bodies of troops under arms for active service; that such troops are governed by martial law on the one hand, so that it is death to refuse obedience to the command of their officers, and by the municipal law on the other, so that they are trespassers, liable to arrest and imprisonment if they do obey; that martial law requires them to arrest spies and traitors, and that the *habeas corpus* immediately requires the commanding officer who has the charge of the military operations of the camp to leave his command for the purpose of making a return before Chief Justice Taney, on penalty of an attachment, fine, and imprisonment if he disobeys, — let him contemplate the practical result to which that doctrine leads, and then say which is the greatest evil, the entire arrest of military operations in time of war by civil process, or the imprisonment of a few persons, more or less, without warrant, some of them, we may admit, being quite innocent, and their imprisonment unjust.

But perhaps some one will say, that the catastrophe supposed could not have taken place; that General Butler would not have permitted himself and his command to be arrested in that way, but would have effectually resisted the arrest. Quite probable. But if Mr. Chief Justice Taney is right in his positions, it would have been the legal duty of the commander and the men to submit to the arrest, and his and their refusal and forcible resistance would have been an outrage on the law, some fifteen hundred times greater than that of General Cadwalader in declining to bring up his prisoner on the *habeas corpus*. Besides, forcible resistance of a sheriff in the execution of his office is a crime, and the General and all his troops engaged in the resistance would thereby have made themselves liable to imprisonment.

The question has suggested itself, whether General Butler, in occupying the railroad and his places of encampment, was not exercising a right of *eminent domain* merely, and that from the necessity of the case. In one view it may be so regarded. The government may be bound to make compensation. But he was just as much authorized and bound to

pursue his march at the peril of any opposing force, and to make arrests without warrant, for the accomplishment of his object, as he was to take private property for the purpose; and these are martial rights. The case is quite as clear with reference to a military force in a fort, or camp, in time of war. They are bound to military obedience under the penalties of martial law. And if the persons who hold and occupy the military station are under the government of martial law, no persons can come from without, bringing with them a different rule for the government of their actions within its limits. They can have no egress and regress except by permission of the commander or a superior officer, in the shape of a military order. This will doubtless be readily conceded in the case of private persons. But it extends equally to the judges, and, in the case of a United States military station, even to the Governor of the State in which it is situated. If they enter by permission, they subject themselves to the rule. It is not intended by this that they are enlisted and subject to duty, for martial law does not so order. But it is not quite clear that, in case of an attack, they might not be required to man the defences and do the duty of a soldier. Probably such is the fact. And the service thus performed would not entitle them to an action, either of contract or tort, against the commanding officer. Possibly Mr. Chief Justice Taney would admit that no one but the marshal or sheriff could claim admission, and that he could do so only for the service of process. But if he possessed such a right, as the officer of the municipal law, it would subject the military service in time of war to the interference of any and every one who pleased to sue out writs for the arrest of persons engaged in the military service, or who desired to have an investigation made into the affairs of the station, through the agency of a search-warrant.

The issuing of the process, it may be said, is a matter of right, and, if issued, the sheriff on the receipt of it is bound to obey the command of the writ, if he may rightfully do so. It is nothing to him that the service of his process requires him to enter a military camp, if he has the legal right so to enter. It will not suffice to say that the sheriff should exercise a discretion. The municipal law does not vest him with a dis-

cretion. It is nothing to him that the camp is in the vicinity of the public enemy, and that active military operations are hourly expected, — except as this might affect his personal safety. He is bound to serve his process, and for that purpose to search, if necessary. If he is resisted, it is his duty to summon the *posse comitatus*, and to proceed at its head, and with its assistance, in the execution of his duty. — And thus he assaults the camp in the rear, perhaps, while the public enemy attack it in front. Such a right would be entirely antagonistic to the right of the commander to conduct his military operations, according to the exigencies of the war, without interference.

But all this sinks into insignificance when compared with the mischief which might ensue from the right to have writs of *habeas corpus* executed within military stations, as a matter of right, at the pleasure of all petitioners, or even as a matter resting in the discretion of a judge who has no means of determining whether it can be done without detriment to the public service. In time of war, the warrant of the provost marshal and the writ of *habeas corpus* are antagonistic forces, which cannot subsist together, and the latter must give way; otherwise a party under sentence of a court-martial to be hung as a spy, and upon the gallows with the rope around his neck, may be effectually reprieved by the order of a judge that the commanding officer shall produce the person before him, that the cause of his imprisonment may be inquired into, it being alleged that the conviction was erroneous.

In the present instance, Mr. Chief Justice Taney issued an attachment against General Cadwalader for his contempt in not producing the prisoner on the *habeas corpus*. The marshal returned, that he proceeded, on the 25th of May, to Fort McHenry, for the purpose of serving the writ; that he sent in his name at the outer gate; that the messenger returned with the reply that there was no answer to his card; and that therefore he could not serve the writ as commanded, not being permitted to enter the outer gate; — whereupon the Chief Justice remarked, "It is a plain case, gentlemen, and I shall feel it my duty to enforce the process of the court." This certainly looked like testing the principle by a practical illus-

tration. But after stating the reasons for ordering an attachment, he remarked: —

"In relation to the present return I propose to say that the marshal has legally the power to summon out the *posse comitatus* to seize and bring into court the party named in the attachment; but it is apparent he will be resisted in the discharge of that duty by a force notoriously superior to the *posse comitatus*, and, such being the case, the court has no power under the law to order the necessary force to compel the appearance of the party. If, however, he was before the court, it would then impose the only punishment it is empowered to inflict, — that by fine and imprisonment."

This is certainly a remarkable collision, only equalled, if equalled, by the case of General Jackson and Judge Hall at New Orleans in the war of 1812.

The Chief Justice declared that, if the general commanding the fort and the military district were before him, he would imprison him, and thus, it seems, deprive the government of his services without regard to consequences. He is withheld from requiring the marshal to summon the *posse*, break into the fort, and capture the commanding general, only by the fact, of which he assumes to take judicial notice, that the marshal would be resisted in the discharge of that duty by a force notoriously superior to the *posse*. He declines to require the marshal to commence another civil war only because he was likely to get the worst of it. But how was he assured of this? If the marshal had summoned the *posse*, the Secessionists of Maryland would have had a better chance to capture the fort by volunteering under his banner than they are likely to have under any military commander.

If newspaper reports may be trusted, a New York county judge, named Garrison, recently made a demonstration as if he would carry the precedent a little farther. Having issued a *habeas corpus*, in the case of the Police Commissioners of Baltimore, and failing to receive a return of the prisoners before him, he prudently made the inquiry how many men in the county could be mustered as a *posse comitatus* to enforce the process. The answer, that the number might be about fourteen hundred, but that it would require from five to ten thousand men to effect the object, and that moreover the

county was not provided with the necessary artillery, is significant of results, if foolish judges forget that a time of war brings with it other duties and obligations than those which govern in time of peace.* The circumstance forcibly reminds us of a paragraph in an opinion of a late learned Attorney-General, Mr. Caleb Cushing, in the case of the Sitka, as follows: —

"I do not mean to say, or to intimate, that the issue of a writ of *habeas corpus* in the present instance was particularly exceptionable, at least in comparison with other cases of more obvious indiscretion in this respect, which daily occur in the United States. But, indeed, if there be anything in the practice of the courts of the States, at the present time, most of all exceptionable, it is the indiscreet levity with which they issue the writs of *habeas corpus ad subjiciendum*, regardless of the old and sound rule, to refuse it when the petition itself shows the absence of good cause, or that the petitioner is lawfully held by some other jurisdiction. (*Ex parte* Kearney, 7 Wheat. 38. *Ex parte* Watkins, 3 Peters, 201. *Ex parte* Milburn, 9 Ib. 704.) That great prerogative writ is now so cheapened by the multitude of hands to which it is committed, and by the consequent abuse of it, that it is itself rapidly degenerating into a mere abuse." †

We are aware that, when we reason upon legal subjects with a reference to consequences, there are generally those who are ready to say, "Let consequences take care of themselves, — *Fiat justitia ruat cælum.*" It is to be noted, however, that we do not base our opinions in this case upon any considerations of expediency; nor upon any necessity which requires that the provisions of the Constitution in favor of private right and personal liberty should be subverted, or even suspended for a time; nor upon any notion that there are times when he who possesses the power should exercise it for the public good, and take the consequences that may thereby ensue from the violation of private right. Such cases may exist, but we do not rely upon them. Our position is, that the principles we have thus endeavored to maintain are in accordance with the Constitution, and under the Constitution.

* Since this article was written, Judge Garrison has surrendered to "inevitable necessity."

† 7 Opinions of Attorneys-General, 132.

Magna Charta and the general principles of the common law, while they recognize and protect private rights, such as the right to be secure from searches and seizures, the right to the *habeas corpus*, and the like, recognize at the same time the necessities of war; and, in case of actual war, make those rights subservient to the martial law, wherever that exists.

The Constitution of the United States recognizes these private rights, and it confers at the same time the right to make war and to suppress insurrection. This right carries with it, as an incident, the power and right to carry on military operations in the usual mode, and with the usual effect; to have armies, forts, and camps, and to govern them in time of war, as other nations govern armies and military stations, by martial law; which, when it comes into existence in time of war, under the constitutional right to make war or to suppress insurrection, is necessarily *the paramount constitutional right and power*, from the nature of the case. It will always be so in practice, whatever might be supposed to be the strict legal right, and we need not shudder, therefore, if we find that the practice is sustained by sound constitutional principles, instead of being a violation of the rights of the citizen.

Peace and war cannot exist in the same place at the same time. Let us not murmur if we cannot have peace, with the arts of peace and the rights of peace, at the same time that we are obliged to have war, with the necessities of war and the powers of war. Let us be thankful that it is so seldom that this constitutional martial rule is over us, and that when it is so, its operations are very limited as respects territory, and its powers in regard to persons and property; and that, in this case, the private inconvenience and suffering are but as the small dust of the balance when compared with the great public good to be obtained by the preservation of the constitutional government of the country.

ART. IX. — 1. *History of Civilization in England.* By HENRY THOMAS BUCKLE. Volume the Second. London: Parker, Son, and Brown. 1861. 8vo. pp. 601.

2. *History of Civilization in England.* By HENRY THOMAS BUCKLE. Volume II. From the Second London Edition. To which is added an Alphabetical Index. New York: D. Appleton & Co. 1861. 8vo. pp. 476.

MR. BUCKLE belongs to a peculiar class of English thinkers, — the Philosophical Radicals as they have been called, — some of whom have become distinguished in every generation for the last two centuries. Their great leader and prototype, who may be regarded as the founder of the school and the most original genius that has adorned it, was the philosopher of Malmesbury, Thomas Hobbes. His successors have adopted most of his opinions, because they inherited from him the peculiar traits of character in which those opinions had their origin. Obstinate, dogmatic, hard-headed, and impassive, they have manifested few qualities of heart or intellect which could win affection or sympathy; and it is perhaps a stronger reproach that they have never felt the want of either. The nature of their speculations has been determined by peculiarities of temperament and disposition more than by qualities of intellect. Cold in feeling, and averse to every manifestation of enthusiasm, they have uniformly adopted low and degrading views of human nature, and prided themselves on running counter to the opinions and shocking some of the dearest sentiments of their fellow-men. We lose the best safeguards of sound judgment when the errors of the head are no longer checked by the warm impulses of the heart. In theorizing upon human conduct, some of the most important data are left out of the account if men are regarded only as thinking machines, as uniformly selfish in their aims, and as guided only by a blind destiny to the accomplishment of results which they had never contemplated. The pride of individual intellect is not at all averse to such humiliating estimates of human nature in general. He who is fond of speculating upon the errors and weaknesses of his

species makes an unconscious exception of his own case, and prides himself on the perspicacity which detects the causes of self-delusion in others. Mackintosh, speaking of Hobbes, remarks, that "it might seem incredible, if it were not established by the experience of all ages, that those who differ most from the opinions of their fellow-men are most confident of the truth of their own. It commonly requires an overweening conceit of the superiority of a man's own judgment, to make him espouse very singular notions; and when he has once embraced them, they are endeared to him by the hostility of those whom he contemns as the prejudiced vulgar."

We do not undervalue the abilities of the leaders of this school, or deny that they have analyzed successfully some of the complex phenomena of mind, and made many important contributions to the philosophy of history and society. Hobbes himself is a striking example of a great intellect warped, but not dwarfed, by a perverse temper. Even Mr. Buckle has much of the genius for system which extends a few principles over a vast field of inquiry, unites the contribution of many sciences, and establishes a deceptive appearance of unity and method where we had looked only for incongruity and confusion. But his learning is multifarious and extensive, rather than exact or profound; he passes with great leaps over the difficult portions of his subject, and discards or mutilates the facts which do not suit his purpose, or will not fit into his theory. Arrogance is fed by imperfect knowledge; and one who is a smatterer in many sciences, without a perfect knowledge of any, often settles magisterially questions which still perplex and confound modest and competent inquirers. Mr. Buckle is not a great scholar, like Mr. Grote, nor has he the varied attainments and the genius for bold but judicious speculation which distinguish Mr. Mill. The very title of his work indicates rather overweening confidence in his own powers, than a clear understanding of the nature of his subject, or a definite purpose as to the end to be attained. The self-styled historian of civilization has not yet indicated what it is that constitutes civilization, or wherein a history of it differs from any other branch of historical

disquisition. With this imperfect conception of the nature of his undertaking, it is not surprising that he has already filled two thick volumes before reaching the threshold of his proper subject, and has even been driven to a frank confession that his original plan was too extensive, and that its execution consequently is impossible.

In truth, the title of the work, as far as it has proceeded, is a misnomer. It is not a history of civilization or of anything else, but the statement of a system of doctrine, borrowed in great part from the Positive Philosophy of Comte, and supported by a series of illustrations drawn at random from the history of all nations and all ages, and from the records of literature and science. Hence the work is eminently discursive and ill-digested, and might be prosecuted through a dozen more thick volumes, filled with the fruits of the author's various reading, but having no more connection with the history of England than with that of China, and affording not even a glimpse of the writer's theory respecting the nature of civilization. In point of mere style, the merits of the book are considerable, and even the rambling and desultory nature of its contents is a source of attractiveness and power. The language is clear, animated, and forcible, sometimes rising very nearly to eloquence, and marked with the earnestness of one who thoroughly believes the doctrine which he expounds. Even the cool dogmatism of Mr. Buckle's assertions, and his entire confidence in the truth of his opinions and the force of his arguments, are often as amusing as they are unreasonable. One who has no doubts to express, and no qualifications or exceptions to state, has a great advantage in point of liveliness of manner. Like his great master, Hobbes, he betrays a good deal of egotism also, a quality which adds much to the freshness and raciness of his style.

We have already intimated that there is no novelty in Mr. Buckle's doctrines, however new may be his manner of stating and defending them. He is simply a necessitarian and a sceptic; and he shows all the earnestness of a fanatic in preaching the gospel of fatalism and unbelief. In his view, man is a plant that grows and thinks, the form and place of his growth, and the products of his thought, being as little

dependent on his will or effort, as the bark, leaves, and fruit of a tree are on its own choice. All alike are subject to the "skyey influences." Food, soil, climate, — these make up the man, and determine what he must be. They make up the whole man, — not merely his animal frame, but his life and soul, if he has any. If these are rich and generous, so will be the man, and his thoughts and actions. His moral nature is nothing; it has no lasting effect upon his character or conduct. And his spiritual nature is a mere fiction. The laws of matter and the laws of intellect, — these govern all, and shape our nature and destiny. And these laws are as permanent and uncontrollable as the laws of gravitation and chemical affinity. If we knew them perfectly, we could tell what the past must have been, and what the future will inevitably be; we could "look into the seeds of time, and see which grain would grow, and which would not." And we *can* learn them; from the statistics of what has been, we can prophesy what will be. As with individuals, so with communities and nations. These are but aggregates of individuals, and their history, also, is shaped by irreversible laws; and the system of averages, which eliminates small disturbing forces and abnormal instances, enables us to predict the result with greater ease and certainty in the case of these aggregates than in that of individuals. The history of human beings, the history of civilization, is like that of the solar and starry systems. When a Kepler, a Newton, and a Laplace shall arise to reduce the complexity of the observed and tabulated results to order, we shall see that all is subject to law; and knowing the law, we shall know all.

Evidently this is a sketch of a system of philosophy, and not a project of writing history. At the very beginning, Mr. Buckle has a theory to set forth, and a doctrine to establish; and he ransacks all history, literature, and science for proofs and illustrations of his preconceived opinion. Herein he violates the first principles of his own method; for he is a fanatical adherent of the Baconian system, and attributes most of the errors that have been committed in philosophy and science to the use of the deductive method, whereby reasoners assumed the maxims which they ought to have proved, and

proceeded from generals to particulars, not allowing "either themselves or others to sift the general propositions which were to cover and control the particular facts." Even Adam Smith's great work, the Wealth of Nations, which appears to most observers a very noble edifice, built up on the inductive system from a vast collection of facts, seems faulty to Mr. Buckle, as consisting too much of maxims previously assumed and evidence subsequently discovered, a great body of derivative principles being worked out in it by pure reasoning. Mr. Hume, also, both as a metaphysician and a historian, is gravely censured for proceeding in the inverse order from laws to facts, and reasoning deductively from preconceived doctrines. To the error thus committed by these two great philosophers, an error in which they were followed by all their Scotch contemporaries, Mr. Buckle attributes the narrow and enslaved condition of the human mind in Scotland, where, for three centuries, it has remained a prey to superstition and religious persecution, the bigotry and blind asceticism of the Kirk stifling all freedom of thought and action, and compelling the people to attribute events to supernatural causes, instead of tracing them to the immutable action of physical laws. Superstition and spiritual tyranny rest upon arbitrary assumptions and the deductive method; while physical science in general, and especially the science of history, find their advancement only in scepticism, the collection of facts, and the application of the principles of the inductive philosophy. Mr. Buckle professes to act upon these principles with the utmost rigor and precision; and he begins with an elaborate statement of the truths which his whole subsequent history is to prove.

The first of these assumptions upon which the whole philosophy of history is here made to rest, is the doctrine of Fatalism, or the necessity which governs all human actions, so that, when all the circumstances are known, the result can be told beforehand with as much certainty as we now predict the occurrence of an eclipse. We call this doctrine an assumption; for it is made in opposition to the clearest and most abundant evidence. It is a fact attested by the consciousness of every human being, whether learned or un-

learned, and at every hour of his existence, that, when two courses of action are presented to him, he is free to choose between them, and therefore has only himself to approve or blame for the consequences of that choice. In practice, this great truth is always acknowledged and acted upon, however the metaphysician may pretend to question it in his abstract speculation. Hence we all feel self-reproach or self-gratulation, after the consequences of our conduct have become manifest, because we *know* that we might have acted differently. It matters not that we cannot explain *how* man is free; so neither can we tell *how* gravitation binds the earth to its orbit, or brings back to the ground a stone that has been thrown into the air. The first principle of the Positive Philosophy requires us to accept the facts as we find them, whether they are susceptible of explanation or not. And the fact of human freedom is as undeniable as any phenomenon in the physical world, for it rests upon the clear and dogmatic assertion of consciousness.

Mr. Buckle attempts to impeach the credibility of this testimony, on the ground, first, that many philosophers have denied, and justly too, that there is any independent or special faculty of consciousness, asserting that what bears that name is merely a general state or condition of mind. But the objection only shows that he is incapable of understanding the doctrine that he cites, and that his acquaintance with psychology is extremely superficial. Sir William Hamilton censures Reid for degrading consciousness into a special faculty, rightly maintaining that it is an attribute of all our faculties, — a general condition of the whole intellect. We cannot know, without knowing that we know; we cannot feel, without knowing that we feel; we cannot will, without knowing that we will; and this self-recognition, this knowledge that the mind possesses of its own phenomena, whereby we discriminate our own mental states and appropriate them as our own, is what we call consciousness. We degrade the authority of consciousness, then, when we reduce it to a special faculty; we exalt it, when we affirm that it is a universal condition of intelligence, an indispensable prerequisite of all knowledge. We cannot even doubt or deny, unless we are

conscious that we doubt or deny; so that the sceptic, when he impeaches the testimony of consciousness, becomes a *felo de se*.

"Waiving this objection," however, proceeds Mr. Buckle, "we may, in the second place, reply, that even if consciousness is a faculty, we have the testimony of all history to prove that it is extremely fallible." And he proceeds to cite the changes of opinion, the various creeds, the different standards of truth, that have characterized different countries and ages, as instances of this fallibility. We are sorry to reply, that this objection betrays even greater ignorance than the former one. Consciousness does not affirm the validity, the truthfulness, of a judgment or opinion, but only the existence of that judgment as a present phenomenon of mind. Hence we are just as conscious of a wrong opinion as of a right one; or, rather, we are conscious only of the belief itself, leaving it for subsequent inquiry and reflection to determine whether it is well or ill founded. We could make no progress in knowledge, we could never uproot old errors, if consciousness had not rightly informed us that we once entertained those errors. Mr. Buckle proceeds to ask, with great simplicity, "Are we not in certain circumstances conscious of the existence of spectres and phantoms," though it is "generally admitted that such beings have no existence at all?" Certainly not, we answer. We are conscious only of seeing indistinctly some white object in an imperfect light, and of believing it at the moment to be a spectre. And consciousness was right, as it always is; we *did* see the object, and we *did believe* it to be a spectre: but examination a moment afterwards proved that *the belief* was wrong, for the supposed spectre was only an old white horse grazing in a churchyard. It is humiliating to be forced to explain so simple a distinction to any one but a school-boy. Mr. Buckle would lay the blame upon consciousness, if he should take a counterfeit coin, believing it to be a good one. Even a school-boy would tell him in that case, that not his consciousness, but his eyes and his judgment, were at fault.

The leading idea of Mr. Buckle's book, "the magnificent idea," as he calls it, is, "that everything which occurs is regulated by law, and that confusion and disorder are impos-

sible." In the application of this idea to the course of human affairs, and especially to the human will, all that he expects us to concede is, "that, when we perform an action, we perform it *in consequence of* some motive or motives; that those motives are the results of some antecedents"; and consequently, if we knew all the antecedents, and their mode or law of action, we could unerringly predict all that will follow. He subsequently defines free will to be "a cause of action residing in the mind, and exerting itself *independently of* motives." Here the whole gist of the doctrine and of the argument depends upon the words which we have italicized. Certainly no competent advocate of the freedom of volition will maintain that the determination of the will is "independent of" motives, in the sense of being made entirely without reference to them, just as if no motives existed. If it were so, then indeed human action would be wholly inconsequent and capricious, and man would be cursed with a freedom which he could not exercise except by resigning all the higher attributes of his nature. His freedom would be mere license, — the caprice of an irrational being, to whom no one course of action appears better than another. But it is not so; man is not only a free being, but a rational being; capable of preferences, and having a sense of right and wrong; endued with judgment and foresight. Because he is reasonable, his actions can generally be predicted by one who has a fair knowledge of his character and the special circumstances of the case; because he is free, he not infrequently breaks away from his former courses, renounces old habits, gives the lie to former resolutions, and acts even from a caprice or a whim. His circumstances have not changed, but *he* has changed. His former action had been "in consequence of" some leading motive, yet not in the sense of being enslaved to it, and necessarily yielding to its direction, just as a mass of brute matter inevitably follows a sufficient tractive force. Man does not thus yield, because man is not brute matter; because he is not dead, but living, and has an innate force, which can resist both external circumstances and internal temptation. Motives do not act upon his will, but he acts upon the motives, — considers them, weighs them against each

other, suspends all action in reference to them until they are thus fully weighed, and treats them always as subservient to his determination, never as controlling it, — as his guides, never as his masters. A weight suspended by a rope necessarily hangs always in the same direction, perpendicular to the horizon, unless drawn or pushed aside by some force external to itself. Because we recognize its essential inertness or incapacity of automatic action, we never see it deflected from a perpendicular without seeking some external cause for such deflexion. But a living man, suspended by his hands, can exert spontaneously the force that is in him to throw his body out of the line of gravitation; and we know that the power thus exerted comes from within, — that the man moves himself. This, indeed, is an exertion of muscular power, and a physical antecedent can be found for it, in the nervous action which is needed to bring the muscles into play. But no such physical antecedent exists for the volition which brings out the nervous energy, and which is, in every sense of the word, spontaneous. We may assign a motive as the *reason* of such a volition, but not as its *cause;* for causation implies power, and a reason or motive being a mere abstraction, a consideration present to the mind, it is absurd to consider it as exerting force. Force is an attribute of substance, not of thought. We attribute force to the will only in so far as the will is identified with the man himself. A motive is a desire, which is a passive state of mind; and it is notorious that desires and volitions often run in opposite directions, so that we desire one thing and will another.

Like most of the modern speculatists who deny the freedom of the will, Mr. Buckle attempts to avoid some of the appalling consequences of Fatalism, by substituting for it what is called the doctrine of Necessity. But this is setting up a distinction without a difference. He asserts that "the actions of men, *being determined solely by their antecedents*, must have a character of uniformity, that is to say, must, under precisely the same circumstances, always issue in precisely the same results." This is plain Fatalism; the circumstances being what they were, the man *could not* have acted otherwise; then he is not responsible for that action. But among these

"antecedents" the Necessitarians admit not only the external circumstances by which the man is surrounded, but his own previous disposition and character, — the general bent of mind by which he inclines to one course of action rather than another. They immediately add, however, that this prevailing disposition or character is still determined *for* him and not *by* him, — that is, determined by previous circumstances, whose action upon his own mind he could not avoid. Wherein, then, consists his freedom? It matters not whether his action is determined by immediate or remote external events, if the determination in either case is absolute and necessary. If physical antecedents form the character, and then the character determines the volition, it is evidently the same thing as if those antecedents acted directly upon the will.

This distinction of the Necessitarians may be illustrated by that part of the process for the manufacture of shot, whereby the globules which are perfectly spherical are separated from those of irregular shape, by allowing all of them to roll down an inclined plane. The perfectly spherical shot roll in a straight line from the top to the bottom; and these may represent minds according to the Fatalist's theory, their course being determined exclusively by an external force, — that of gravitation. On the Necessitarian hypothesis, minds are like the imperfectly formed shot, whose course is determined not only by gravitation, but by their own lob-sidedness, which causes them, instead of moving straight onward, to waddle off to one side, and there stop. But their imperfect sphericity is determined for them, and not by them, by the previous action of the shot-maker in forming the globules. They govern themselves only in this wise: they have been so badly formed that they wander out of what would otherwise be the track of their destiny. Are they any the more free, or self-determined, for that?

For the support of his theory, Mr. Buckle does not depend much on psychological observation or metaphysical reasoning. He relies chiefly upon such statistical evidence as has been collected by M. Quetelet and other observers, which has disclosed great uniformity in human actions, even in some particulars where it was least expected. Thus, in a given popu-

lation, provided it be a very large one, the number of murders, of suicides, and of persons accused of various crimes, varies but little from year to year, and maintains about the same proportion to the whole number of the people. Even the various instruments with which these crimes are committed are employed in nearly the same degree of frequency. It is not pretended that the coincidence is accurate. The annual number of suicides in London, for the five years preceding 1850, varied from 213 to 266, or about twenty-five per cent. As larger aggregates are taken, however, the rate of variation is less. Thus, the average number for these five years is 242; and it is believed, though the returns are not given, that the corresponding average for the five years immediately preceding, or immediately subsequent, would not vary from this number perhaps more than ten per cent. The uniformity of the law, which is obvious enough when the numbers are very large, is obscured as they become less, owing to the presence, as it is argued, of small disturbing forces and minor laws, which render the case more complicated. It is only when these perturbations are eliminated, or reduced to insignificance by the multitude of cases, that the working of the great social law becomes manifest. Mr. Buckle's inference is, that human actions in the long run depend upon great laws affecting the general state of society, and not upon the peculiarities of individuals. Murder and suicide may seem to be infrequent and abnormal acts, contingent on accidental combinations of events and the idiosyncrasies of peculiar temperaments. But even here, statisticians demonstrate, if their observations have been broad enough, that great uniformity prevails, and the constant periodical repetition of the deed points to the steady operation of some uniform cause, which has not yet perhaps been traced or analyzed.

Are not such results, however, precisely what we ought to expect, on the supposition that man is not only free, but intelligent? Reason and foresight, under similar circumstances, lead to general similarity of action. The uniformity, it is true, is not as perfect as if it had been produced by the blind and unimpeded operation of some mechanical cause. But it is precisely this partial uniformity which the returns of the

statistician indicate. If all action were mechanical and necessary, there would be no need of uniting a great multitude of cases in order to reveal the law of that action; the results would be as uniform as the successive strokes of a steam-engine. The fingers of a hand-loom weaver do not give as regular action to the shuttle as it receives in the power-loom; and yet the motion is so uniform that, for hours together, the hand of the workman seems to be almost a portion of the machine. Tell that workman, however, that his action is necessary or uncontrollable, that he is not free to make the movement faster or slower, or to intermit it altogether, and he will laugh in your face. Where did M. Comte or his English disciple learn, that all phenomena which are "governed by will are therefore eminently variable and irregular"? They might as well have confounded the law of morals with the law of gravitation; for though the former is addressed to free and intelligent beings, and the latter describes only the action of brute atoms, the uniformity of the result may be nearly the same in the one case as in the other.

After all, the attempt to discover laws of nature through the rude approximations of statistics, employing numbers enormously large, and manipulating them by the method of averages and the doctrine of probabilities, is a procedure that can hardly be dignified with the name of science. A law of nature does not deserve its name if it be not precise and unerring. But an average is only a compensation of errors, and just the same average is struck whether the errors are large or small. Ten is the arithmetical mean, not only between nine and eleven, but between one and nineteen, and all the corresponding intermediate numbers. If a man fires a great number of shots at a target, the *average* result of his shooting will be precisely the same, whether he is a very poor marksman or a very good one. For as there is no reason why the deviations or errors should be in any one direction from the centre rather than any other, the mean of all these deviations will indicate precisely the same point, whether the circle including them all be six inches or six feet in radius. The figures cited by Mr. Buckle show, that the average proportion of suicides to the whole population of London, taking the mean of several years,

is about one to ten thousand. But in order that this fact may answer his purpose, which is to prove that a human being is a mere machine, moved only by antecedents that are rigorously subject to law, it must be interpreted to signify that there is a suicidal propensity in human nature equal to just one ten-thousandth part of the sum of all the impulses by which that nature is governed. Now, among one hundred thousand Londoners, taken at random, not a single suicide may occur in the course of a year; among another hundred thousand, taken in like manner, there may be, within the same time, one hundred cases. Neither of these facts, considered separately, is reconcilable with Mr. Buckle's law, while their mean result seems to him to substantiate that law. According to such reasoning, the mean result of two falsehoods is a truth. And in order to obtain his approximate result, rude as it is, he is obliged to class together events which are really very dissimilar. A suicide caused by failure in business is not the same thing with one produced by religious fanaticism, or another committed when the patient was raving mad. It is idle to suppose that one law of nature governs cases so unlike as those of Chatterton, Clive, Romilly, Castlereagh, Haydon, and Sadleir.

The doctrine of probabilities, an obscure reference to which is the basis of Mr. Buckle's reasoning, is a law which governs the expectations of men respecting a certain event, and not a law controlling the event itself. It is psychological, not physical. That is said to be *probable* or *likely*, which we *expect* to happen; but it is a vulgar error, and one into which Mr. Buckle has fallen, to believe that such *expectation*, however great, creates any physical impulse or tendency which will contribute to *make* it happen. If a hundred thousand balls are placed in an urn, and but one of them is black, it is physically just as possible that I should draw that one black ball at the first trial, as any other, though the probability of doing so is but one out of a hundred thousand. Nay, if each of these balls is numbered separately from one up to a hundred thousand, I *must* draw at the first trial some one number which was just as unlikely to come uppermost as the single black ball.

But we have dwelt too long upon Mr. Buckle's philosophy

of history, to the exclusion of the history itself, if the extraordinary selection of facts and disquisitions which he has brought together can be dignified with that name. His method, as we have seen, is to examine the history of what man has been, and what he has done, in order to ascertain the laws both of his being and of his action. He begins by assuming that there are two sets of laws to which man is subject, the laws of matter and the laws of mind. Where man is more powerful than nature, as he generally is in Europe, the latter class of laws prevail, or have the most influence in shaping his conduct and welfare; but where nature is the stronger, as it has been in all countries out of Europe, physical laws have the strongest influence.

This is one of the rash and hasty generalizations which are perfectly characteristic of our author. He has no caution or reserve as a speculatist; he never seeks for the exceptions to a principle, or the limitations of it, though a careful study of these generally leads to such a modified statement of the general maxim as alters its whole character and application. But if Mr. Buckle ever takes notice of an exception which is too salient to be winked out of sight, he wastes his strength on an attempt to explain it away. He mutilates the facts, that he may force them into accordance with his theory. The European has generally triumphed, and the Asiatic generally failed, in the contest with nature, not because the former had fewer physical obstacles to contend with, or fewer physical enervating influences to resist; but because the European was strong, and the Asiatic weak, in those moral and intellectual resources which always give the victory against any odds. Many large regions of Asia, and even of Africa, afford as favorable sites for civilization, so far as physical conditions are concerned, as the most favored districts of Europe, where the arts long since found a permanent home. But we should insult our readers by pausing to enumerate such obvious exceptions to the general principle thus dogmatically enounced. Our own position is, that a man is everywhere stronger than nature, except perhaps within the Arctic and Antarctic Circles, or on the Desert of Sahara; — meaning, of course, not isolated man, but men leagued in society, however rude, and thereby bringing to the

struggle the united strength of intellects and muscles banded together and aiding each other. If they ever succumb in the contest, their defeat is owing to their own vices and degeneracy, and not to physical influences too strong to be resisted. The Esquimaux and the Laplander can live even within the limits of the Arctic Circle; and the Icelanders, on the very borders of it, have kept up civilization for nearly a thousand years.

But let us follow Mr. Buckle to his own ground, — to a consideration of those physical influences which, as he would have us believe, everywhere but in Europe, — that is, over at least fourteen fifteenths of the earth's landed surface, — have either civilized man in spite of himself, or have successfully resisted his own best efforts to emerge from barbarism. The Necessitarian may well triumph if he can make out, for so large a portion of the globe, an overwhelming predominance of physical over mental laws in shaping human destiny. He does not weary us with a long catalogue of the natural agencies by which the welfare of the human race is most affected. He enumerates only four, — Climate, Soil, Food, and what he calls the "General Aspect of Nature," meaning thereby those imposing and awful features of natural scenery, which, by inflaming the imagination, generate superstition, and thus most effectually retard the progress of the human race. We object at once to this enumeration as both redundant and defective; — redundant, as embracing both Soil and Food, though the most important office of the former is to produce the latter, so that the two should be counted but as one; and defective, because, to say nothing of other omissions, it leaves out Geographical Position, which is, perhaps, the most important of them all. A more attentive consideration of Assyrian, Egyptian, Greek, Roman, and English civilization might possibly convince Mr. Buckle, that a situation along the banks of a great fertilizing and navigable river, or the possession of a long line of deeply indented sea-coast, is a circumstance highly favorable to the rise and continuance of civilization. We are not reconciled, moreover, to the exclusion of another important element, Inherited Qualities of Race, merely by the quotation of a magisterial remark by Mr. Mill, that "of all vulgar

modes of escaping from the consideration of the effect of social and moral influences on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherited natural differences." We hold that there is one more vulgar still; and that is, to attribute a preponderant influence to Food and Climate. And though not placing so much stress as many naturalists have done on the peculiarities of the so-called Varieties of Mankind, we still think that there is a good deal in the history and the present condition of the Mongolian, the African, the American, and the Circassian races to sustain the belief, that these races are distinguished from one another by some important original and innate characteristics both of body and mind.

But faulty as Mr. Buckle's enumeration is, to analyze and develop the manner in which the habits and characters of different nations have been affected by peculiarities of their Climate, Food, Soil, and Scenery would have been an agreeable and instructive disquisition. Montesquieu began such an analysis, but left it very imperfect. No opponent of the doctrine of necessity denies that men adapt their habits to their circumstances, that their customs and tastes are flexible, and that even their characters are gradually modified by a change in their habits and pursuits. All this is an evidence rather of man's power than of his weakness. To adopt Lord Bacon's phrase, Man conquers Nature by obeying her laws. He is born a cosmopolite; he can live everywhere, except, as we have said, in the regions of perpetual frost; and habit can endear the most rugged and unpromising country to him, and can make its rigors minister to his comfort.

But this is too simple a view for Mr. Buckle to take. He must represent man, everywhere but in Europe, not as the helpmeet and often the master of Nature, but as her slave. And his description of the means and process, as well as of the results, of this subjugation, is most extraordinary. Some of the most controverted theories of English political economy, first suggested by the peculiar condition of the laboring classes in England and Ireland for the last hundred years, doubtful even in relation to them, and unquestionably false in their application to any other country and age, are here

brought forward as the keys of universal history, and as alone adequate to explain all the peculiarities of Hindoo and Egyptian character and civilization throughout forty centuries. Malthus's doctrine of population and Ricardo's theory of rent have been put to hard service by their authors, but were never before required to solve such problems as these. The bare attempt to make such use of them is an anachronism and a blunder. Who told Mr. Buckle that the population of Egypt under the Pharaohs was in the same state as the population of Ireland under Queen Victoria, or that the cause of the people's misery in either case was that they multiplied too fast, and not rather the pressure of institutions and laws which avowedly favored the unequal distribution of wealth? Ireland has never been so thickly peopled as Belgium, it has at least an equally fertile soil, and both these countries annually export large quantities of food. How idle is it, then, to attribute the suffering of the Irish or of the ancient Egyptians to their numbers having outrun their subsistence, instead of tracing the evil to the form of polity by which they were oppressed! The institution of Castes on the largest scale, an institution which has its origin and its support in political and religious considerations, has always been the characteristic feature of Hindoo and Egyptian civilization; and where the system of Caste is rigidly enforced, there is no freedom of competition in the dealings between man and man, and consequently no division of value into its three component elements. Even where African slavery continues to exist as a single Caste, the distinction between wages and profits disappears, the increase or diminution of the laboring class depends solely on the will of the master, which is regulated by calculations of profit, and the theories of Malthus and Ricardo, consequently, are as little applicable as they would be in a community like that of the Shakers, where all property is held in common and no intercourse is permitted between the sexes.

Mr. Buckle's eagerness to represent the character and conduct of men as determined by merely physical antecedents, and hence to solve the problems of history through the discoveries of modern physical science, has led him to make as rash use of chemistry and physiology in his work, as of political

economy. Perhaps a childish vanity of displaying the extent of his acquaintance with the various sciences has often unconsciously determined the character of his speculations. Thus, he sometimes laboriously constructs a complicated scientific explanation of a fact or phenomenon so simple in itself, that it is only darkened by any attempt to render it more intelligible. "The inhabitants of the polar regions," he tells us, "consume large quantities of whale oil and blubber; while within the tropics, the ordinary food consists almost entirely of fruit, rice, and other vegetables." The reason is obvious. Where no vegetables whatever are produced, as in the ice-bound regions of the North, the inhabitants live upon the only food that is within their reach; while the Hindoos find a vegetable diet the cheapest. But this is too simple a view of the matter to answer Mr. Buckle's purpose. He must lug in by the ears a long disquisition on some very questionable chemical speculations of Liebig, whereby the heat of the human body is traced to the use of highly carbonized food; and we are gravely informed that the oils contain six times as much carbon as the fruits. Animal food is more difficult to be had, and more of it is needed, in cold countries than in hot ones; therefore wages tend to be lower in tropical regions than in Northern Europe. Hence the lamentable paradox of the English school, that cheap and abundant food is an evil, after being falsely applied to account for the miseries of Ireland, is here brought forward to explain the origin and character of Asiatic civilization. The whole theory is confuted by experience in America, where food is cheaper and wages are higher than in Great Britain. Moreover, all classes in our Southern Slave States, countries of the orange and the sugar-cane, habitually use more animal food than the laboring Scotch, who live about thirty degrees nearer the North Pole. Mr. Buckle reasons thus: — A fat soil and a hot climate make cheap food; cheap food depresses wages; low wages cause an unequal distribution of wealth; and inequality of wealth produces an inequality of political power and social influence. But these inequalities exist in Russia in as great, if not a greater, degree than in Southern Asia; and Russia unfortunately is a very cold country, where the need of animal food is very pressing. In truth,

experience and common sense should teach Mr. Buckle to invert his order of cause and effect, and reason the other way. In dynastic changes and military usurpations he should find the origin of despotic power; to despotic and aristocratic institutions he should trace the inequality of wealth; and the great body of poverty thus created keeps wages depressed, and reduces the laborer to the poorest possible diet, even where nature's bounty makes rich food abundant and cheap. But as such reasoning would prove man to be more powerful than nature, or the human will to be independent of physical antecedents, it does not suit our author's purpose.

We must not dwell longer on the details of this gloomy and scandalous theory, and can only point out in general terms the grand fallacy of the argument by which it is supported. Take any scheme of social philosophy, any theory of human life and character, however extravagant, and allow its author to range over the history of all countries and ages for facts and illustrations which may seem to harmonize with it, while he is not expected to notice any that contradict it, nor to enter into any detailed or consecutive narrative, and it will be strange indeed if it is not made to appear ingenious and plausible, and if careless readers do not accept it as sound and able speculation. In this Introduction to his great work, an Introduction which already fills two bulky volumes, Mr. Buckle revels in the large results of his desultory studies and omnivorous reading. He has brought together a vast magazine of the scraps of learning, and weaves them into any fabric that may suit his fancy, rather than his judgment. He is not pinned down to any method, he is not confined to any principle of selection. He has put under contribution all science, all philosophy, and all history, at liberty to cull what he chose, and careful not to see anything which would obstruct his progress, suggest difficulties, or mar in any way the harmony of his fabric. In the same chapter, and even the same paragraph, he glances from India to Peru, from the polar regions to Arabia, from the history of the tenth century before Christ to that of the debates on the Reform Bill and the Paper Duty. The wealth and civilization of ancient Peru are attributed to the lavish bounty of nature, the fact being conveniently for-

gotten, that over a large portion of that country rain never falls; while California, better watered than Peru, is described as a parched and sterile region, in order that the lack of moisture and the consequent dearness of food may explain the uncivilized state of its aboriginal inhabitants. Brazil, again, where all the resources of natural wealth exist in measureless profusion, never became civilized, as this author tells us, precisely on account of the abundance of her riches. Nature is too potent for man; her rivers and forests are too grand; vegetation is too luxuriant; animal life is too varied and abundant; "enormous meadows, reeking with heat and moisture," afford nourishment to too many herds of wild cattle. Why, according to Mr. Buckle's theory, Brazil, before it was visited by Europeans, ought to have been the most civilized country in the world. If the blessings of nature in respect of climate, soil, and food civilized India, Egypt, and Peru, a still greater measure of those blessings ought to have done as much, or more, for ancient Brazil. Mr. Buckle forgets, also, that the central and southern portions of the United States, including nearly the whole of the magnificent valley of the Mississippi, present just that assemblage of physical conditions to which, as he maintains, the superior civilization of Europe herself owes its origin. If the qualities of race count for nothing, but merely physical agencies do all, and if, consequently, all refinement and progress must be of home origin, created and nourished by the natural influences of the region within which they exist, then Hendrik Hudson, John Smith, and William Penn ought to have found here a more advanced civilization than that which they brought with them. Besides, as the great physical features of a country remain unchanged through all time, all that depends upon them ought to be equally permanent and irreversible. The climate, soil, and scenery of Egypt and India are the same now that they were under Sesostris or Porus; but the semi-barbarous condition of their native inhabitants exhibits no trace of the arts, culture, and refinement which distinguished their ancestors thousands of years ago. Even the languages have perished which contain the records of their ancient civilization, except so far as they have been recovered by the inge-

nuity and learning of European scholars. And what was the condition of Britain, Gaul, and Germany, down to at least as late a period as the fall of the Roman empire in the West? They were surrounded by the same physical agencies then as now; but the light of civilization had hardly yet dawned upon them.

A discovery of the laws of European history being resolved by Mr. Buckle primarily into a study of the laws of the human mind, and his method of psychological study consisting merely in the observation of phenomena and in the application to them of the principles of all inductive science, we have the first grand result of his investigations in the statement, that moral truths are stationary, while intellectual truths alone are progressive. Hence, he concludes, we are to look for the advancement of the race to the development of the intellect, and not at all to the cultivation of the moral feelings. The progress of society must be measured "by the amount and success of their intellectual activity." No discoveries are possible in ethics; the great body of moral truths remains unchanged from one age to another, and all nations instinctively recognize them. Whatever changes take place in the opinions of men, or whatever improvements are effected in their condition, cannot be attributed, therefore, to moral influences, but must be due to the discoveries of the intellect. To adopt our author's own strong and unqualified language, "the growth of European civilization is *solely* due to the progress of knowledge, and the progress of knowledge depends on the number of truths which the human intellect discovers, and on the extent to which they are diffused."

There is a confusion of thought here, and when this is dissipated, Mr. Buckle's proposition is resolved either into a barren truism or a transparent falsehood. Even if discoveries were possible in the province of morals, it would be the business of the intellect to make them. A man cannot see except by the use of his eyes, nor investigate truth except by an intellectual process. The function of conscience, or the moral nature of man, is entirely different; it is not to separate truth from error, but to regulate conduct. Its office is monition, not discovery; it is not so much a guide as a master, for it

speaks, not to instruct, but to command. It is a mere truism, then, to say, that its laws are the same yesterday, to-day, and forever, and that they admit neither of enlargement nor repeal.

But this is not Mr. Buckle's meaning. He intends to say, that the increased happiness of a community and its progress in civilization depend altogether upon the cultivation of the intellect, and not at all upon the observance of morality; — which is a palpable untruth, contradicted by all history. "The two oldest, greatest, most inveterate, and most widely spread evils which have ever been known," he tells us, are religious persecution and war; these have been constantly diminishing; and "their diminution has been effected, *not at all by moral feelings, nor by moral teachings, but solely by the activity of the human intellect, and by the inventions and discoveries* which, in a long course of successive ages, man has been able to make." And as in respect to these two great evils, so also in inferior matters, the same process has been followed, and the same law holds. "The actions of bad men produce only temporary evil, the actions of good men only temporary good; and eventually the good and the evil *altogether subside.*" They offset and neutralize each other, leaving the progress of the human race to be effected solely by the discoveries of genius, "which are immortal and never leave us." He pledges himself to prove, in the course of his work, that "the progress Europe has made from barbarism to civilization is *entirely* due to its intellectual activity"; and that the occasional disturbances produced by moral agencies "are but aberrations, which, if we compare long periods of time, balance each other, and thus, in the total amount, *entirely disappear.*"

And as morality has effected nothing for the human race, so religion has done worse; it has been a positive curse, the greatest bane of mankind. Religious persecution, as has been stated, has produced more affliction, has done more harm, has been a greater obstruction to progress, than any other evil, — than all other evils united. This is the thesis which nearly the whole of Mr. Buckle's second volume, and a large portion of his first, are designed to prove. The rise of scepticism, in

his opinion, is the first condition for the beginning of progress, for any improvement in science, art, civilization, or the general condition of mankind; and religious intolerance is the great evil with which mankind have had to contend. An abstract of the history of Spain and Scotland, or rather a copious gleaning of facts from that history, partial and one-sided in the extreme, fills the second volume, the sole object being to prove that superstition is the greatest of all errors, and religious persecution the most fearful scourge, that mankind have ever known. And the evil of this intolerance, we are specially taught, is only enhanced by the purity of intention and sincerity of belief of those who manifest it. In a moral point of view, the motives of religious persecutors are unimpeachable. "Diminish the sincerity, and you will diminish the persecution; in other words, by weakening the virtue you may check the evil." Thus a double point is made against both morality and religion; they are two poisons which enhance and stimulate each other. Fortunately, the intellectual progress of the race is fast conquering both evils, or leaving them behind in the great march of civilization. Discoveries and inventions, chemistry and physiology, political economy and improved means of locomotion, gunpowder, the steam-engine, and the magnetic telegraph, — these are at once the agents and the results of human progress; these wage unceasing war against credulity and intolerance, and ultimately triumph over them. The discoveries of great men contain those eternal truths which "outlive the struggles of rival creeds, and witness the decay of successive religions. All these have their different measures and their different standards; one set of opinions for one age, another set for another. They pass away like a dream; they are as the fabric of a vision, which leaves not a rack behind."

And these are the results of Mr. Buckle's study of the history of civilization! These are the conclusions to which he has been led by studying the laws of the human mind, not according to the usual method of the psychologist, the moralist, and the theist, through the testimony of consciousness, — "not simply as they appear in the mind of the individual observer, but as they appear in the actions of mankind at

large"; — that is, as they appear in the evidence of statistics, and other recorded facts of history and science! This improved method is not original with him; it is the method of Comte, Mill, and other Positivists and radical philosophers. It is the necessary procedure of those who overlook or contemn the testimony of consciousness, deny the freedom of the will, and extend the dominion of physical laws to the entire exclusion of the supernatural or providential element in human affairs. We would do no injustice to the present advocate of these doctrines. As nearly as our limits would permit, we have stated his conclusions in his own language; and we would refer any who may doubt the correctness of the outline to his own fuller statement of them in the fourth chapter of his first volume.

Not without reason, then, have we described him as a pupil and imitator of Hobbes, though the philosopher of Malmesbury was the unblushing advocate of despotism in politics, as well as of materialism in philosophy, and selfishness in morals, while Mr. Buckle fiercely asserts the rights of individuals against any interference or any claim of authority by church or state. But he manifests the same arrogant contempt as his great predecessor for the best sympathies and feelings of mankind. Extremes meet; the absolutist and the radical start from the same premises, move by a common impulse, and arrive at what are essentially the same conclusions. Both show the same inclination for paradox, the same disposition to fly in the face of the dearest convictions of their fellow-men, and both adopt the same brutal tone of expression towards those whose feelings they outrage. We have no scruples about drawing this parallel, as Mr. Buckle will doubtless deem himself honored by the comparison. But we would remind him that notoriety is not fame, that recklessness is no proof of courage, and that he who abjures caution and sobriety of manner, and even a decent regard for the feelings of his opponents, casts away the best safeguards of successful investigation, and does his utmost to discredit his own conclusions.

One argument which he adduces in favor of the doctrine that the moral feelings of mankind do not, in the long run, aid their progress or improve their condition, is too characteristic

of the writer and of his method to escape notice. It is founded on the assertion of the statisticians already alluded to, that the annual amount of crime in a country is reproduced, year after year, with considerable uniformity. Then the moral feelings of an individual, he argues, may exert great influence on the amount of his own transgressions, but will not at all diminish the aggregate of crime in the community to which he belongs. His motives for well-doing, then, must be selfish; he may lessen his own culpability, but he will not benefit society, which must still contend against as much misconduct as ever. Even though we may be conscious, therefore, that moral principles regulate our own conduct, "we have incontrovertible proof that they produce not the least effect on mankind in the aggregate, or even on men in very large masses."

The fallacy here is so transparent, that we marvel both at its escaping detection in itself, and at its failing to disclose the erroneousness, and even the absurdity, of the method of reasoning which led to it. Society is nothing but an aggregate of individuals, and the whole amount of crime registered in a year is but the sum total of the separate offences committed within that period. He who overcomes temptation but in a single instance lessens that sum by unity; and this is a positive gain to the community, and a gain which is greater or less in proportion to the heinousness of the offence in question, and not in proportion to the number of other crimes with which it is compared. Mr. Buckle's mode of reducing the magnitude of this gain to insignificance, through "the precaution of studying social phenomena for a period sufficiently long and on a scale sufficiently great," — that is, by counting it only as one case out of a thousand, or one out of a million, — is precisely akin to the folly of a child, who should attempt to lessen his estimate of the size of an obstacle by regarding it from so great a distance that the mountain would seem to the eye no larger than a mole-hill. It is *his estimate* of the magnitude, and not the magnitude itself, which he lessens by this ingenious folly, this attempt at self-deception. The statistical method, as we have already hinted, is a means, not of avoiding, but of hiding errors, by

setting them off one against another. It is a compensation of blunders.

But the great fallacy which underlies the whole of Mr. Buckle's doctrine and argument arises from the vagueness and uncertainty in his use of the word *civilization*. It is with good reason that he has omitted, as we have already mentioned, to define what that is of which he has attempted to write the history. Had he even attempted such a definition, he must have recognized the absurdity of his theory. And what an omission! It is as if the author of a new system of logic, or a new scheme of philosophy, should execute half of his work before settling in his own mind, or informing his readers, what logic or philosophy is. His edifice is far advanced towards completion, but he has forgotten to lay its foundation. The only word which he uses as synonymous with Civilization is Progress, a term which is still more loose and uncertain in its signification. He means, though he does not directly say so, the Progress of Knowledge; and if any one should attempt, by a large induction from many passages of his work, to ascertain what Civilization, according to Mr. Buckle, means, the answer would undoubtedly be the Progress and Diffusion of Knowledge. This is the assumption on which his whole theory is built; and his parallel assumption is, that the advancement of knowledge constitutes, and is the measure of, human power and happiness.

Thus understood, his paradoxical assertion, that the cultivation of the intellect, and not of the conscience, is the source and root of civilization, becomes a mere truism, even an identical proposition. Certainly, intellect is the only means of the advancement of knowledge, and conscience has nothing to do with it, except indirectly. A more harmless platitude was never uttered. But in this sense it is not true that civilization is the same thing as happiness, or the only means of securing happiness. For happiness depends on the due regulation of the passions and the conduct; and this is the province of morality and religion, the cultivation of the intellect having, at the best, but a remote and indirect agency in the work. The sorrowful confession of many a philosopher and man of science, the history of many a genius, — nay, the

experience of half mankind, — attests, that the increase of knowledge is not necessarily the increase of happiness.

We now know how to construe our author's oft repeated assertions, that "civilization is regulated by the accumulation and diffusion of knowledge," and that "the growth of European civilization is solely due to the progress of knowledge." He is really identifying the two elements, which he here places in the nominal relation of cause and effect; he means that civilization IS the progress of knowledge. This is merely an unauthorized use of language, which constantly leads the reader astray, and hides the author's vagueness of meaning and unsoundness of argument. We can rightly appreciate the doctrine and the reasoning only by defining at the outset what people generally mean by Civilization.

We say, then, that the Civilization of a community means its happiness, *so far as this is secured by the prevalence of morality, intelligence, and refinement of taste, and by the general enjoyment of the products of the fine and the useful arts.* For the correctness of this definition, we can only appeal to the dictionary and the general usage of the best writers.

Taking this signification of the word along with us, Mr. Buckle's doctrine ceases to be even plausible; it is simply absurd. The highest degree of civilization ever attained by the ancients — and it was a degree which, in many respects, the moderns have never equalled — was that of Athens under Pericles. But what did the *knowledge* even of the wisest Athenians amount to? And of what discoveries or inventions could they boast? It is little to say, that a pupil in one of our high schools knows vastly more than the best of them did. In their times, not one of the physical sciences had begun to unroll the secrets of nature. They knew a little geometry, a very little astronomy and natural history; as to their acquisitions or speculations in logic, rhetoric, ethics, and metaphysics, Mr. Buckle will hardly dignify these with the name of science. But why need we state the case in our own language, when we can borrow the weighty words of one who was the greatest scholar, and one of the greatest thinkers, of the present century?

"Every *learner* in science," says Sir William Hamilton, "is now familiar with more truths than Aristotle or Plato ever dreamt of knowing; yet, compared with the Stagirite or the Athenian, how few, even of the *masters* of modern science, rank higher than intellectual barbarians! Ancient Greece and modern Europe prove, indeed, that 'the march of intellect' is no inseparable concomitant of 'the march of science'; that the cultivation of the individual is not to be rashly confounded with the progress of the species."

The brightest period in the history of Roman civilization, the age of Augustus, ranks much below the age of Pericles, simply because morality and philosophy had declined, both in the schools and in their influence on society. In ethics and philosophy, Cicero was but a feeble copyist and translator of his Greek teachers, and his is the only name that deserves mention. The fire of patriotism had burnt out, and the standard of morality, both in public and private life, had fallen so low as to threaten society itself, not so much with dissolution as with putrescence. Under the second and third Emperors, at least, if not under the first, the only motto for those who could boast either of patrician blood or of mental culture seemed to be, "Let us eat and drink, for to-morrow we die." Among the upper and middle classes, even the love of offspring had been overpowered by the love of vice. Population rapidly declined. Patricians disowned or gave away their children, if they had any, willed their property to strangers, and, after leading a life of extreme licentiousness and effeminacy, showed some remains of the old Roman spirit only in the cheerfulness and alacrity with which they opened their veins, or took poison, after they had been denounced to the Emperor. Satire was the only branch of poetry which the Romans may be said to have created, and in which they really excelled; for satire alone had a legitimate theme, and abundant materials for its work. In Horace and Juvenal, the laughing and the indignant satirist, we find such pictures as literature nowhere else affords of a civilization which had become thoroughly corrupt and debased, — which had really ceased to be civilization, as it had rotted in its own vices. There was some reaction under Trajan and the Antonines, caused partly by the vigorous rule

and stoical morality of these Emperors, and partly by the influence of Christianity, which had begun to pervade the middle and lower classes, and was working from them upward. But the reaction was short-lived, as no extraneous causes could check a decline that had already become so marked and proceeded so far. Christianity found its proper work in taming the ferocity and modelling the characters of the rude barbarians from the North, who trampled out the last vestiges of Roman power and civilization.

Yet, from Pericles to Nero, it cannot be denied that mere knowledge had increased. Archimedes and Hipparchus had made important additions to physical science. The Julian reformation of the calendar was a considerable step in advance. There were writers of some note in natural history, agriculture, and architecture. According to Mr. Buckle's mode of judging, it cannot be denied that the world had made *progress*, — that Pliny and Seneca *knew* more than Plato or Aristotle. We have learned from Herculaneum and Pompeii, that the Romans had made great advances in the useful arts, for their houses were furnished with many conveniences and luxuries which the Athenians in their palmiest days had never dreamed of. But humanity had little reason to boast itself of this "march of science"; for not even Mr. Buckle will dare to deny, in this instance at least, that the advancement of knowledge was accompanied by a woful decline of every element that constitutes true civilization.

Coming down to modern times, we find still more abundant means of refuting the paradoxical and debasing doctrine of this book. So far from its being true, "that the growth of European civilization is solely due to the progress of knowledge, and that the progress of knowledge depends on the number of truths which the human intellect discovers, and on the extent to which they are diffused," while morality and religion are either of no account or positively injurious, — so far, we say, is this humiliating assertion from the truth, that all history proves precisely the reverse. The great agents and tokens of modern civilization are those institutions of beneficence, those reforms of old abuses, vices, and crimes, and that amelioration of legal codes and private man-

ners, which have added most to the happiness of the human race, and which are directly and undeniably traceable to the influence of morality and religion; while the mere discovery of new truths, the enlarged boundaries of science, and the triumphs of intellect, have had little or no share in producing them. This is our thesis, and it has at least this advantage over Mr. Buckle's, that it is one which we are not ashamed to avow and defend; while he is driven to the humiliating acknowledgment, that his "conclusions are no doubt very unpalatable," that they are even "peculiarly offensive," and the only apology he can offer is the cold-blooded one, that "the unpleasantness of a statement is hardly to be considered a proof of its falsity."

We say, then, that hospitals, public schools, and almshouses, — the support of the poor and the instruction of the ignorant, — the amelioration of prisons, the abolition of the slave-trade, the humane treatment of prisoners of war, and the growing disuse of brutal sports, are the chief features of difference between barbarous and civilized nations at the present day; and that for all of them we are indebted to the increased cultivation of the moral feelings, to the greater activity of conscience, and — we will not be deterred by Mr. Buckle's sneers from adding — to pulpits, priests, and sermons. If he denies this assertion, let him point out any nation upon earth before the Christian era, or any barbarous or unconverted nation of the present day, in which such institutions have been erected, such efforts made, and such improvements effected by the spontaneous concurrence of government and people. If any instances can be mentioned, and they must be few and weak, they are found probably among the Mohammedans, the better part of whose morality and humanity, it will be generally acknowledged, is an aftergrowth and a plagiarism from the Jewish or Christian Scriptures. Modern civilization is distinguished from ancient chiefly by an increased tenderness for human life, and an increased anxiety to relieve human suffering. It is not that men did not before know how to spare or to pity. It is not that the progress of discovery and invention has now first enabled us, or taught us how, to be merciful and charitable.

In earlier times, power and intellect were not wanting, but will; *the attempt* was never made. We would not be unjust to Science; she has done much as the handmaid of morality and religion. She has rendered asylums for the poor, the sick, the maimed, the blind, the deaf and dumb, more efficient; but she never originated them. She has been often the hired, often the volunteer, servant of charity. But in all her proper and peculiar work, no one will deny that the pride of intellect and the desire of reputation have been added to the love of knowledge as her motives.

We claim all these triumphs of modern civilization for morality, first stimulated and rendered active and efficient — Mr. Buckle will not allow us to say first *discovered* — by the Christian religion. We claim them for the only gospel that was specially, and by its Founder, "preached to the poor," whose first precept is, "Love your enemies," whose first benedictions fell on those "that mourn," on "the merciful," and "the pure in heart," and whose first caution is, that "when thou doest alms, let not thy left hand know what thy right hand doeth." Mr. Buckle says, that these and similar dogmas "have been known for thousands of years," and "that the system of morals propounded in the New Testament contained no maxim which had not been previously enunciated, and that some of the most beautiful passages in the Apostolic writings are quotations from Pagan authors, is well known to every scholar." As the single brief citation, a part of one line, which St. Paul made from Aratus in his speech at Mars Hill, is a very insufficient foundation for this last broad assertion, we are compelled to believe that our author has made some discoveries in the Apostolic writings which are not "known to every scholar," or indeed to any one except himself. And against the former statement we place the authority of one of the greatest metaphysicians of modern times, and one who was certainly not so much a friend as an opponent of the Christian religion. In his "Religion within the Limits of mere Reason," Kant cites these and other moral precepts, taken chiefly from the Sermon on the Mount, "as proofs of the divine mission" of Him who uttered them, and of "the honor due to him as

founder of *the first* true church." * It is idle to say that isolated hints of one or more of them, taken separately, can be found here and there, after great search, in the writings of some Pagan moralists. He who first announced them collectively, in one brief discourse, not as the fruits of ethical disquisition, but as a message from God to man, is their true author, their original promulgator and voucher. Let him who doubts or denies this assertion point to the first heathen nation that has reduced them to practice in such institutions and endeavors as we have mentioned, or to the first Christian nation that has not done this.

We deny that the mere advancement of science, the discovery of new facts and truths, whether physical or purely speculative, however gratifying to the pride of intellect and honorable to the genius of the discoverer, has had any but an indirect and comparatively feeble influence on the progress of civilization. Such discoveries are the effects, not the causes, of that "prevalence of morality, intelligence, and refinement of taste," in which, as we have said, true civilization consists. Now, the only two of these elements which can come into question here, intelligence and refinement, whether of an individual or a nation, are not increased or heightened in proportion to the number of truths known or facts discovered. Not to recur to the instance already given, of the Athenians in their palmiest days as compared with any nation or age for fifteen centuries after the glory of Athens had departed, we will take what is, so far as discovery is concerned, the brightest epoch of modern times. This is unquestionably the age of Newton and Leibnitz, of Boyle, Hooke, Huyghens, Von Guericke, Cassini, Pascal, Wren, and a crowd of other illustrious names. Designated by its principal sovereigns, it was the age of Charles II., Louis XIV., and Leopold I. But no Englishman or German will refer with pride to the history of his country during this period, or will maintain that the general civilization of his people was then either at its height, or making more rapid progress than it had done for several generations before. Generally, it was an age of licentious manners

* *Die Religion innerhalb der Grenzen der blossen Vernunft.* Kant's *Werke*, Ed. Rosenkranz. Band X. S. 190.

and feeble public spirit, when little was done for popular education, or to elevate the condition of the laboring classes,— when courts were corrupt, and the people enslaved. France, it is true, was then in her Augustan age, but her glory consisted in her literature, not in her science. Mr. Buckle even maintains that her literary splendor in those times was "the work of the great generation" that had just passed away; that "the absence in France, during this period, not only of great discoveries, but also of mere practical ingenuity, is certainly very striking"; and, generally, that "the age of Louis XIV. was an age of decay: it was an age of misery, intolerance, and oppression; it was an age of bondage, of ignominy, of intolerance." All this is coarsely exaggerated, and marked by our author's usual recklessness of statement and brutality of expression. The French of that day certainly showed great refinement of taste and elegance of culture, and, amidst much tinsel splendor, they achieved more than any other generation of their countrymen in literature and art. But their triumphs were not those of the intellect, in the narrower sense in which Mr. Buckle uses that term; the physical science of Paris at that time was an exotic, not a native growth. The only eminent astronomers patronized by Louis XIV. were foreigners; and France was full half a century behind other nations of Europe in accepting the Newtonian theory. The general result is, that the people of the most splendid civilization made the fewest discoveries; while with the Germans, English, and Dutch, the case was precisely the reverse. So, also, the richest and most brilliant civilization of Europe, in the fifteenth and sixteenth centuries, was that of Rome, Florence, and the other cities of Italy; and this, again, manifested itself chiefly in literature and art, and hardly at all in scientific inquiry, or the promulgation of new truths.

In fact, great achievements in science, like those of Galileo, Newton, Laplace, and Cuvier, do not early or easily enter into the mass of familiar truths on which common minds are fed, and by which the broad civilization of a people or an age is affected. They dignify, but they do not constitute, that civilization, nor give rise to it. They remain for a long time, if not forever, like the fruits of the more refined scholarship and the pro-

cesses of the higher mathematics, the exclusive property of a comparatively small body of the learned. Art and literature, morality and religion, are far more popular and diffusive in their effects; they are cosmopolitan and universal, not confined to any country or age, and not by any means limited in their influence to the particular classes by which they are specially professed. They affect the whole atmosphere in which all the people live and act. They color and shape the national life and character in every vein and lineament. Wealth, public spirit, and popular education — both that which is dispensed in schools, and that which is constantly imbibed from the whole environment of institutions and circumstances in which a people are placed — are the agencies which foster and diffuse these national blessings. Civilization is not shut up in laboratories, scientific academies, or museums of natural history, and does not issue from them; on the contrary, the most splendid civilization may exist where these means and appliances of mere physical research are entirely wanting.

But it may be said that invention, though not discovery, is a most important agency in the accumulation of wealth, and in bringing about that general enjoyment of the products of the fine and the useful arts, which we have admitted to be one great constituent of civilization. So it is; but this admission makes nothing for Mr. Buckle's purpose, unless he can prove that invention is the natural and ordinary result of discovery. He here falls into the common error, of which even scientific minds are not yet generally disabused. We altogether deny that either the great inventions which have turned the course of human affairs, or the minor ones which have added so much to our comforts and luxuries, and widened the enjoyment of them, are to be ranked among the gifts of science, or that they have been made generally by scientific men. As striking instances of the former class, take gunpowder, the mariner's compass, and the printing-press; "for these three," says Bacon, "have changed the whole face and state of things throughout the world, — the one in literature, another in warfare, and a third in navigation, — whence have followed innumerable changes, insomuch that no empire, no sect, no star,

seems to have exerted greater power and influence in human affairs than these mechanical inventions." But Bacon himself notices the curious fact, that the origin of all three, though recent in his day, is "obscure and inglorious." In fact, two of them were mere lucky accidents, made we know not positively where or by whom, certainly not by any one of scientific pretensions, as the legend which attributes the invention of gunpowder to Friar Bacon, or another monk, Berthold Schwarz, is wholly undeserving of credit. Printing was only a lucky thought which occurred almost simultaneously to two or three rude mechanics. There was nothing to put a person of scientific habits of mind upon the track of either invention, nothing to incite or guide his inquiry. As De Maistre says, the means of making a great discovery generally have no apparent connection with that discovery; and the illustration which he gives of this remark is furnished by Lord Bacon himself. If Archimedes and a dozen others equally eminent in science had been asked to invent an engine for beating down the ramparts of a city without coming within two or three hundred yards of them, they would have been entirely at fault, or would have thought only of some mode of improving the ancient catapult. But there comes along an obscure monk, who says, "Triturate and mix together sulphur, saltpetre, and charcoal"; — and the thing is done. So, also, if twenty scientific physicians had been required, a century ago, to invent some means of extirpating the small-pox, they could not have hit upon anything better than to ask the sovereigns of Europe to cause all their subjects to be inoculated by compulsion. Certainly, nothing short of divination could have sent them to the cows for a solution of the problem. Again, was it science that gave us Peruvian bark, ipecacuanha, mercury, or even sulphuric ether as an anæsthetic agent? Or was it rather such experimentation as that of an Indian doctor or conjurer, an African Obi-man, or an English merry-andrew? The only real question is, whether such discoveries are due to what is called a lucky chance, or to that merciful Providence which, in ways unseen by men, often overrules folly and selfishness, by rendering them instruments of good.

If we turn to the minor inventions which have aided the

accumulation of wealth and enhanced our material well-being, we still find that we are indebted for most of them either to a fortunate accident, or to the practical skill of some ingenious mechanic, whose school-education, perhaps, barely enabled him to write his name. After the workman has invented the machine or the process, science usually steps in, and, more or less successfully, explains the nature of the improvement, points out the physical laws that are concerned in it, and often uses it as a guide in its own future investigations. Sometimes it is unable to supply even this poor commentary, and the process continues to be empirical and inexplicable. Thus the mode of vulcanizing India-rubber, one of vast importance in the arts, offers an insoluble problem to the chemist. He cannot tell why heating and rubbing together caoutchouc and sulphur should produce an entirely new substance, — a *tertium quid*, having other and far more valuable properties than either of its ingredients. So in many of the processes for manufacturing iron, the means have no apparent connection with the end; the chemist measures the results, but cannot tell how or why they are produced. The eminent professors of science who lectured upon the results of the Great Exhibition in London in 1851, as we observed in this journal soon afterward,* seemed to manifest "an uneasy consciousness of the extent of the workman's knowledge, — almost a doubt whether it was not for the workman to teach them, rather than for them to teach the workman." Dr. Black, one of the greatest of modern chemists, remarks somewhere in his Lectures, that most of the chemical discoveries which have greatly benefited the arts are due to the manipulations of skilful operatives, rather than to what is called science or chemical philosophy. Many products of the useful arts were obtained by the ancients in as great perfection as by men of our own day; the article has profited nothing by the experience and the science of two thousand years. One of the lecturers just referred to says, "If Simon, the tanner of Joppa, had been able to send leather to the Exhibition, no doubt he would have carried off a medal."

The inventors of the spinning-jenny were a Birmingham

* See North American Review for October, 1852, p. 363.

mechanic, a common laborer, and a barber's apprentice. Nearly all of the improvements in the steam-engine were made by uneducated mechanics, and they were constantly in advance of the science of their day. The most distinguished among them were Savery, a head miner; Newcomen, a blacksmith; Cawley, a glazier; and Humphrey Potter, an idle little boy. Watt's modifications of the machine have greater scientific pretensions; but he was only a half-taught instrument-maker when he contrived them, and many of them have now gone out of use, as practical men have found the engine which was employed before his day to be not only more simple, but more efficient and economical. Fitch, Fulton, and Hulls divide between them the honors of steam navigation, neither of them having any scientific attainments to boast of. But we need not multiply instances, a crowd of which were collected in the article on the Great Exhibition which has just been cited.

Mr. Buckle attributes to the progress of knowledge the diminution of "the two greatest evils known to mankind," — religious persecution and the practice of war. Morality and religion, he affirms, have nursed and exasperated the former, and done nothing towards diminishing the latter; while the influence of intellectual discoveries has vanquished both. We join issue with him on all these points. Both the evils in question proceed from the passions rather than the judgment. Men need to be calmed and pacified, not to be instructed or argued with, in order to induce them to remain at peace or to tolerate difference of opinion. It is a sentiment rather than a conviction, — an instinctive recoil of our moral and humane feelings, instead of a perception of new truths, — which has stopped the practice of torture, whether inflicted for political or ecclesiastical purposes. The rack and the thumb-screw have gone out of use, because the increased humanity of these later times shuddered at the very sight of them; and the bitterness of religious disputes has in great measure ceased, because men now think less of the dogmas, and more of the practice, of Christianity. For a century after the Reformation, religious persecution was rife, as the angry feelings consequent on that great schism raged and were imbittered by

the political changes that grew out of it, and because men were cruel. As the strife cooled, and experience showed the inutility of coercive measures, the voice of humanity and the mild precepts of the Gospel were again heard and respected. Manners were softened, and men ceased to persecute one another under the same impulses and feelings which led them to improve prisons, erect almshouses and hospitals, abolish the slave-trade, and send out missions to the heathen. Mere science, the mere progress of discovery and invention, contributed as little to this result as to the first promulgation of Christianity. It is impossible to see how it should have had any effect on either.

As to the practice of war, Mr. Buckle hazarded his assertion of its rapid decline a little too soon. Writing in 1855, he says: "It is highly characteristic of the actual condition of society, that a peace of unexampled length should have been broken, not as former peaces were broken, by a quarrel between two civilized nations, but by the encroachments of the uncivilized Russians on the still more uncivilized Turks." This is an ingenious statement of the case, made to conceal the fact, known to all the world, that Turkey was only a nominal partner in the strife, only a pretext for it, and that the real contest was between France and England, two of the most civilized nations on the earth, on the one hand, and Russia on the other, the prize for the victor being the possession of Constantinople. "Russia is a warlike country," we are told, "not because the inhabitants are immoral, but because they are unintellectual." But the inhabitants of Russia, taken as a mass, have no more voice or influence in determining between war and peace, than they have in guiding the course of the planets. The sovereign, the nobility, and the higher officers of the army, made the war; and these are as civilized, as enlightened, as "intellectual," — to copy our author's pet phrase, — as any court in Europe.

And as to the decline of war, what has been the history of the half-dozen years which have followed what our author calls the forty years of peace, — a peace broken only by a war in Afghanistan, one in Scinde, one in China, one in Mexico, one in Schleswig and Holstein, one in Hungary, two in the

North of Italy, one in Rome, and about half a dozen revolutions, attended with more or less bloodshed, in the most civilized nations of Europe. The last six years have witnessed the Crimean war, the war of the Indian mutiny, a second war in China, the war of France, Sardinia, and Austria in Lombardy, Garibaldi's war in Sicily, Sardinia's conquest of Naples and the Roman provinces, and now the fearful civil war which rages in our own unhappy country. And at the present moment, also, France and England are vying with each other in preparations for war on the largest scale, and a terrible contest is impending in Hungary and Venetia. The decline of war! Search the annals of the world, and we doubt if a period of equal length can be found which has witnessed so terrible an outbreak of the warlike spirit as that which has characterized the last fifteen years. Terrible as the contest was which was terminated by the treaties of Vienna in 1815, it was, in the main, a struggle of all Europe against one man.

Mr. Buckle attributes his fancied decay of the desire for war to the march of intellect generally, but specially to the invention of gunpowder, the discoveries made by political economy, and the improved means of locomotion. Now, gunpowder came into general use about four centuries ago, and during this time it may well be doubted if there have been fewer wars, or less bloodshed, than in the four centuries immediately preceding. Economical science has not *discovered* a single truth which tends to increase the desire for peace; it has merely furnished some additional illustrations of the costliness of war, which would have more effect if nations fought from motives of interest, and not from considerations of honor, jealousy, anger, revenge, and other turbulent passions. No further proof was needed that war is always a costly, often a ruinous, expedient. The quarrels of nations, like those of individuals, grow out of their ill-regulated passions; and these can be checked and restrained, not by considerations addressed to the intellect, but, if at all, by the teachings of morality and religion. These last have greatly humanized war; they have ameliorated the fate of captives, forbidden the use of poison and other savage expedients, protected the property and lives of non-combatants on land, and

are on the point of putting an end to privateering, which is only another name for piracy, at sea. And this is all that is possible, until mankind have become, not wiser, but better. Never was a war more obviously and ruinously destructive of all public and private interests than that into which the Southern States of this Union have blindly plunged. But to oppose the madness of Secession by considerations drawn from political economy or constitutional law is like preaching to a tornado. The tempest must blow itself out. Only when the wind has lulled can the voice of reason or the whispers of conscience be heard.

But the rambling and desultory character of Mr. Buckle's work has protracted the task of following him, and our remarks are already extended to undue length, before a tithe of his errors and fallacies have been exposed and refuted. We have dwelt mainly upon the principles on which his History is based, as an attempt to trace their application in detail would far exceed our limits. And yet the absurdity of the conclusions to which he is led furnishes, perhaps, the best proof of the erroneousness of his method and the falsity of his premises. The whole of his second volume is devoted to an elaborate examination of the history of Spain and of Scotland, in the hope of proving that superstition is always rife where volcanoes and earthquakes are common, — that, in fact, it owes its origin to these and other startling phenomena of nature, and that it can never be exposed and put down by the employment of the deductive method of reasoning. This is rather a meagre result of an inquiry extending so far, and conducted with so much pretension. And, as a doctrine, it is simply ludicrous. Never did a poor pedant, bitten with the love of theorizing, ride so far afield, in order to bring home a paltry and absurd conclusion. We should almost suspect the sanity of one who seriously entertained it. If it were true, the inhabitants of Iceland, a country surpassing every other on the globe in the grandeur and striking character of its physical phenomena, made inaccessible by enormous ice-fields for most of the year, often shaken by terrible earthquakes, mailed in sheets of lava and studded with active volcanoes, ought to be the most superstitious race on earth. Unfortunately for Mr.

Buckle's theory, they happen to be a peculiarly sober, industrious, intellectual, well-educated, Christian people, — certainly much less superstitious than the inhabitants of the vast sun-scorched plains of Hindostan, where nature offers only a wearisome monotony to the beholder. Again, Scotland is troubled neither by earthquakes nor volcanoes. True, it has mists, and mountains, and severe winters, in which Mr. Buckle's theory, *faute de mieux*, takes refuge; but its near neighbor, Norway, has precisely the same characteristics, and the Norwegians are not peculiarly superstitious.

Then the elaborate attempt to prove that science in Scotland has made an excessive use of the deductive method is an utter failure. Adam Smith has not made half as much use of this kind of reasoning as Malthus and Ricardo; indeed, it is chiefly owing to the latter, an English Jew, that English political economy has become a deductive science. As a speculatist, Hume makes more use of facts and less of abstract reasoning than Hobbes; the latter is a system-maker, and the former a destroyer of system. Leslie, as a writer on heat, relies much more on experimentation and induction than Fourier. In chemistry, as compared with Dalton, Lavoisier, or Davy, Dr. Black must be regarded as eminently an inductive philosopher.

But enough of details, in which the task of exposing Mr. Buckle's blunders would be endless. We have spoken with freedom and severity of his work, because its tone and tendency are bad. With considerable merits of literary execution, it is characterized in a remarkable degree by arrogant pretensions, a dogmatic spirit, coarseness of expression, and a contemptuous disregard of the feelings and opinions which a vast majority of the author's countrymen hold sacred. Under the guise of a history, its only aim is to teach the preconceived conclusions of a false and debasing philosophy. If these conclusions were sound, man would be an animated machine, not accountable for his actions, and without either hopes or fears extending beyond this brief sphere of earthly existence. Rashness of assertion and inconsequence of reasoning are what we expected to find in the statement and defence of such doctrines; and in this expectation we have not been disappointed.

Art. X. — CRITICAL NOTICES.

1. — *Die Propheten und ihre Weissagungen. Eine apologetisch-hermeneutische Studie.* Von A. Tholuck. Zweiter völlig unveränderter Abdruck. Gotha: F. A. Perthes. 1861. 8vo. pp. 206.

This work was undertaken by Professor Tholuck to refresh his intellect by a temporary change of the subject of his studies. It is designed mainly for amateurs in Biblical criticism, and takes a middle ground on the much disputed question of the extent of the inspiration of the Hebrew prophets. Tholuck holds that this inspiration is something more than keen-sighted patriotism and pious enthusiasm. It includes an objective and abnormal power of predicting future events. In defence of the existence of such a power, he refers to the analogy of Savonarola and other early Reformers, of modern clairvoyants, and of the ancient oracles. He holds that these cases, as acknowledged by the best German psychologists, prove that man has an innate, latent faculty of foreseeing the future. This faculty is more than ordinary sagacity or foresight, and is manifested only when excited by peculiar and exceptional causes. It was excited in the prophets by the spirit of God. There was this peculiarity in the case of the prophet, that he never lost his consciousness, and the higher reason at least was always active. Even in the frequent trances and visions, the receptive faculties of the intellect were in full activity, though the productive faculties might be dormant. The prophet did not speak of himself; the Lord spake through him.

Again, the vision of the prophet is not bounded by the political horizon. Tholuck thinks that the most foresighted statesmanship could not have suggested to Isaiah (chap. xxxix.) the possibility of the destruction of the kingdom of Judah by so insignificant a power as Babylon then was.

This book was so popular in Germany that the first edition was exhausted in a few weeks. We hope that it may find similar favor in America.

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2. — *The Great Sahara. Wanderings South of the Atlas Mountains.* By H. B. Tristram, M. A., Master of Greatham Hospital, and Domestic Chaplain to the Earl of Donoughmore. With Maps and Illustrations. London: John Murray. 1860. 12mo. pp. 435.

This book is not precisely what its title represents it to be. Mr. Tristram never got fairly off the southern slope of the Atlas range, nor

fairly into what is commonly called the Great Sahara, — nor even beyond the necessity of carrying a full evening dress, with white kid gloves. He never felt the heat of the desert. Only once did he go so far from the wells as to be obliged to dispense with the oft-mentioned "cold sponge." The farthest point he touched southward — Waregla, 32° N. — was visited about the same time by a French army. He had travelled thither from the last French post, El Aghouat, about a hundred and twenty miles, through half-civilized agricultural tribes in subjection to France. He returned thence along a line of military stations. His maps omit some of the principal places he visited, as El Baadj, and contain little important information not given in Colton. We are, however, informed in the Appendix, that the author uses the word Sahara in an Algerian sense, to denote, not the great desert itself, but the "sandy pasture-land," scantily watered and full of hills, lying between the real desert and the Tell or corn-growing country.

Mr. Tristram is evidently an experienced traveller, an ardent naturalist, a keen observer, and a good Churchman. The narrative of his own adventures is *naïve* and prolix. His accounts of the population, the zoölogy, and the geology of Southern Algeria are very interesting. The inhabitants, whom he supposes to be in part descendants of the ancient Moabites and Ammonites, are honest, temperate, and hospitable. Each village has a guest-house, where the traveller is fed by a different family every day. The people of M'zab live mainly on barley and most delicious mutton. In Waregla they vary this diet by dates and dogs. The dates are raised in gardens dug out in the sand to the depth of from twenty to eighty feet below the surrounding surface. In M'zab or Moab are found sixteen varieties of cotton, in quality the very finest, in quantity extremely little. The slaves are never whipped, and their children are free.

We regret that Mr. Tristram should have given us such expressions as "intending desert-travellers," and "he returns nothing effected," and that he should not have stated the year of his tour.

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3. — *A Discourse of Virginia.* By EDWARD MARIA WINGFIELD, the First President of the Colony. Now first printed from the Original Manuscript in the Lambeth Library. Edited, with Notes and an Introduction, by CHARLES DEANE, Member of the American Antiquarian Society and of the Massachusetts Historical Society. Boston. 1860. 8vo. pp. 45.

WINGFIELD'S "Discourse of Virginia, 1607 – 8," shows us that the earliest history of the Old Dominion was as full of strife and rebellion

as the latest. The founders of Jamestown, while they suffered less from hostilities with the Indians than the founders of Plymouth, suffered far more from hostilities with one another. The great danger in the Colony of Virginia was secession. The shrewd and unprincipled adventurers who failed of obtaining the offices and power they desired, were always plotting to steal the Commonwealth's "pynnasse," and sail back to England with a cargo of kidnapped Indians. Hitherto we have looked at these scenes from the standpoint of the prototype of our Miles Standish, Captain John Smith. We have praised him as the hero and the preserver of the Colony, believed every word of his charges against the other leaders, and especially deplored the incapacity and unfaithfulness of the first President, Wingfield. The research and liberality of Mr. Deane have now given us the other side, in the form of a finely executed fac-simile of Wingfield's defence of himself to the Council for the Colony in England. Both Smith's and Wingfield's accounts agree in some particulars. Each extols himself for prudence and disinterestedness, and each condemns every one else, except the good minister, Mr. Hunt, for "ymbeasilement" and "mutany." It would appear from the "Discourse," that "Mr. Smythe" and his associates suborned witnesses with Indian cake to swear that Wingfield had defrauded them out of their allotted spoonful of beer, and that he was an atheist, etc. We find further, that "it was proued to Mr. Smythe's face that he begged in Ireland, like a rogue, wthout a lycence." The account of Mr. Smythe's capture by Powhatan, "the great Powaton," does not mention Pocahontas, and thus favors the prevalent supposition that the story of her saving Smythe's life is a myth. Mr. Deane's able note shows that Smith's own earlier writings do not mention Pocahontas.

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4. — 1. *Tom Brown at Oxford: a Sequel to School Days at Rugby.* By the Author of "School Days at Rugby," "Scouring of the White Horse," etc. Boston: Ticknor and Fields. 1861. 2 vols. 12mo. pp. 378, 430.
2. The Same. New York: Harper and Brothers. 1860 – 61. 2 vols. 12mo. pp. 360, 373.

Tom Brown shows at Oxford the same exuberant animal activity, and the same reckless fondness for scrapes, as at Rugby. Perhaps we ought not to have been disappointed at his turning out only a rowing man. Still, both the intellectual and the moral seem too much subordinated to the physical in the first part of the book, and the extravagances and dissipations of Oxford life are detailed with disagreeable minuteness, amusing as the description is.

The moral tone of this part of the book, though very healthy, is not very delicate. Most American readers will consider drunkenness something more than a ridiculous folly. In the second part, where Tom Brown becomes at once a lover and a radical, lies the moral meaning of the whole work. The sympathy for the oppressed peasantry is very deep and noble, though the plans of their liberators are sharply criticized. The few hints on college reform seem very valuable. Ticknor and Fields's edition contains, in the second volume, a dedication to Professor Lowell, to whom the author pledges the deep sympathy of "all that is soundest and noblest in England" in our "great struggle," and avows his "firm faith that your country will quit herself as England's sister should in this fiery trial time."

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5. — *Jenkins's Vest-Pocket Lexicon; an English Dictionary of all except Familiar Words; including the Principal Scientific and Technical Terms, and Foreign Weights and Measures, omitting what everybody knows, and containing what everybody wants to know and cannot readily find.* By JABEZ JENKINS. Philadelphia: J. B. Lippincott & Co. 1860. 64mo. pp. 563.

SUCH is the title of one of the most useful little volumes which modern lexicography has given to the English republic of letters. The large circulation of scientific manuals has enriched our vocabulary with many words which but a few years ago were confined to the laboratory, the library, and the professor's desk; and those who have not been able to keep pace with the rapid march of knowledge are continually embarrassed in conversation and in reading by their ignorance of nomenclatures and terminologies. For such, as well as for the better informed, Mr. Jenkins has rendered a most important service, by superseding the labor and trouble of handling large quarto lexicons. Either in the vest pocket, or on the table, this well-informed guide will always be of convenient access, and will seldom disappoint the inquirer. We cannot doubt that a wide distribution will repay the intelligent toil of the compiler.

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6. — *The Fifty Years' Struggle of the Scottish Covenanters.* 1638–1688. By JAMES DODDS. Second Edition. Edinburgh: Edmonston and Douglas. 1860. 16mo. pp. xii. and 389.

THE history of the political and religious movements in Scotland during the half-century which extends from the signing of the National Covenant, on the last day of February, 1638, to the close of the Revo-

lution of 1688, is one of deep and various interest. On the one hand it presents many striking illustrations of a devotion to principle which nothing could daunt, and of a zeal which sustained old men and young girls, as well as those who were in the maturity of their strength, through the most unrelenting persecutions; and on the other hand it records some of the grossest outrages against civil liberty, and some of the most persistent efforts to force a distasteful form of religious worship on an unwilling people, of which history furnishes any account. There was, indeed, much that was fanatical in the opinions, and much that was barbarous in the practices, of the Covenanters; but still there was much also which elicits our warmest admiration. The story of their struggles has been often told, and many of its incidents have been made the themes of angry controversy, as the historian sympathized with one or the other of the two great parties in this struggle, or as he adopted a middle course, displeasing to the partisans on both sides. In the volume now before us, we have the familiar narrative cast into the form of lectures, originally delivered before miscellaneous audiences in Edinburgh, Glasgow, Liverpool, and other places, and well adapted for popular use. The writer appears to have consulted nearly all the printed authorities, of which he gives a long list in his Preface, and he has also had access to some important manuscripts in the English State-Paper Office, and in other depositories of original documents. His style makes no pretensions to elegance, but it is clear and forcible, and there are few or no attempts at fine writing. In dealing with the various transactions which he has to recount, he exhibits a strong sympathy with the Covenanters, and his chief defect is an inclination to pass very lightly over the worst parts of their conduct, while he dwells with ready censure on the acts of their opponents. Among the best parts of his book are the account of the signing of the National Covenant in the Greyfriars' Church, at Edinburgh; the descriptions of the battles of the Pentlands, Drumclog, and Bothwell Bridge; the narrative of the assassination of Archbishop Sharpe, though he labors to give to that dastardly act the appearance of an unpremeditated attack, and to free the great body of Covenanters from the charge of having approved it; and the personal sketches of Argyle, Baillie of Jerviswoode, Hugh McKail, Richard Cameron, James Renwick, and Alexander Peden. The spirit in which the best of these men lived and died is perhaps nowhere more happily illustrated than in the last words of McKail, as quoted by Mr. Dodds. He was tried and convicted on a charge of treason, and was executed at Edinburgh on the 22d of December, 1666, at the early age of twenty-six. On the scaffold he gave utterance to this sublime anthem, the triumphant song of one whose opin-

ions were so firmly rooted that even the near approach of death could not make him waver, and who knew that his faith in eternal realities was soon to be changed into knowledge: "Now I leave off to speak any more to creatures, and turn my speech to Thee, O Lord! Now I begin my intercourse with God, which shall never be broken off. — Farewell father and mother, friends and relations! Farewell the world and all delights! Farewell meat and drink! Farewell sun, moon, and stars! Welcome God and Father! Welcome sweet Lord Jesus, the Mediator of the New Covenant! Welcome blessed Spirit of grace, God of all consolation! Welcome glory! Welcome eternal life! Welcome death!" The life of such a man well deserves the praise which Mr. Dodds bestows on it. Yet it affords only a single illustration of a type of character common among the Covenanters of that age.

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7. — *My Own Life and Times.* 1741 – 1814. By THOMAS SOMERVILLE, D. D., Minister of Jedburgh, and one of his Majesty's Chaplains in Ordinary. Edinburgh: Edmonston and Douglas. 1861. Small 8vo. pp. xvii. and 397.

THE publication of this volume at the present time is probably owing to the popularity acquired by the Autobiography of the author's countryman, Dr. Alexander Carlyle; but the two books bear little resemblance to each other, and the characters of the writers are not less dissimilar. Dr. Carlyle's book is the more lively and entertaining of the two, and is richer in anecdote; but Dr. Somerville's memoir is as trustworthy in its details, and gives a much more pleasing view of the life of a Scotch clergyman in the last century than does that of the pleasure-seeking minister of Inveresk. Dr. Somerville was born on the 26th of February, 1741, Old Style, was educated at the University of Edinburgh, was settled as minister of Jedburgh about 1773 or 1774, and died there on the 16th of May, 1830. He was a man of ability, and is well known as the author of two historical works of considerable reputation for impartiality of tone and elegance of style, one entitled "History of Political Transactions and of Parties, from the Restoration of King Charles II. to the Death of King William," and the other a continuation of the same work, on a somewhat enlarged scale, through the reign of Queen Anne. His books show him to have been a man of extensive information, of liberal views on many subjects, but also of very decided opinions on almost every topic which he discussed. Most of his life was spent in the discharge of his parochial duties, or as a member of the General Assembly of the Established Church of Scot-

land; and he has given some interesting sketches of his college instructors and of his clerical brethren of later years,— Dr. Webster, the oracle of the moderate party, Robertson, the historian, Campbell, author of "The Philosophy of Rhetoric," Witherspoon, afterward President of the College at Princeton, New Jersey, and others of lesser note. He went to London several times, and was personally acquainted with Sir Gilbert Elliot, Burke, Fox, Lord Macartney, Archdeacon Coxe, and other distinguished politicians and writers, and he was present at several important debates in Parliament. The most useful and attractive chapter in his volume is devoted to a sketch of the social condition of Scotland in the early part of his life, which even now is full of interest, and will be of inestimable worth to the future historian. Every chapter, however, gives evidence of a clear-headed and upright man, and no one can read the volume without a feeling of respect for its author. His closing words show at once the vigor of his constitution, and the spirit in which his book is written.

"I am now," he writes, "while closing these memoirs, advancing in the seventy-fourth year of my age, and the forty-ninth of my ministry. I have never, since I recollect, been confined a single day to my bed by indisposition, except in consequence of the accident of a fall from my horse above forty-eight years ago. I have not, perhaps, been more than once or twice disabled for the performance of my public duty every Sabbath-day, except during my recent confinement occasioned by the rupture of the *tendo Achillis*. Though infirmities begin to besiege me, they are slighter than those which are incident to the generality of persons at my advanced age, which, under the blessing of Providence, I ascribe to my habitual temperance and regularity in exercise. Manifold, indeed, to me, have been the bounties of Providence. May I be thankful for them; and may the large experience I have had of the Divine goodness confirm my trust, and encourage my hope in God!"

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8. — *The Recreations of a Country Parson.* Second Series. Boston: Ticknor and Fields. 1861. 16mo. pp. 430.

Every one who is familiar with "The Recreations of a Country Parson" will be glad to see a Second Series of those delightful essays, and will recognize with pleasure in it the same genial temper and healthful views which made the previous volume so popular. The new collection comprises thirteen essays similar in form and purpose to those in the first series. They include, however, a wider range of topics, and some of them have been written since the author exchanged his country parsonage for a city rectory, and consequently under the inspiration of new scenes, and with a much wider experience. This

change forms, in fact, the theme of the first essay in the volume, and the reasons which induced Mr. Boyd to accept a new field of ministerial usefulness are there set forth in some of his best pages. The paper is marked by wise thought expressed in simple and graceful language, and is quite worthy of the place which it holds at the very commencement of the new series. Among the best of the essays are those entitled "Concerning Summer Days," "Concerning Solitary Days," "Concerning Glasgow down the Water," and "Concerning the Pulpit in Scotland." Several of the other essays are also deserving of high commendation, and in some of them there are passages quite equal, if not superior, to anything in the papers which we have enumerated.

Mr. Boyd is not an original nor a very profound writer. He seldom adduces new arguments, and seldom places a subject in a new light. But we know no writer who can state a simple truth with more clearness and elegance, or illustrate it with more felicity of expression, or with a more just view of its various relations. If the range of his powers is not great, he thoroughly understands the measure of his own abilities, and never attempts anything which he cannot accomplish. His chief defect as an essayist is his discursiveness. This, however, is not apparent in all his essays; and in the best of them he never loses sight of his main purpose.

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9. — *Index to the Catalogue of Books in the Upper Hall of the Public Library of the City of Boston.* Boston: George C. Rand and Avery, Printers to the City. 1861. Royal 8vo. pp. viii. and 902.

The rapid growth of the Public Library of this city, and the large measure of success which has hitherto attended its operations, afford new and striking evidence of the high estimation in which literary culture is held in our community. Though the institution is not yet ten years old, it is already one of the largest in the United States, and no similar collection of books has ever been made accessible to so many persons, both for consultation within the library building, and for use at home. We gladly avail ourselves, therefore, of the opportunity presented by the publication of the volume named above, to lay before our readers a brief account of its history and present condition. For the materials of this sketch we are mainly indebted to the Annual Reports of the Trustees, and other printed documents.

The first efficient steps toward the formation of a free library in this city appear to have been taken in the latter part of 1847, when both branches of the city government voted unanimously, "That the City of

Boston will accept any donations from citizens or others for the purpose of commencing a Public City Library"; and, "That whenever the library shall be of the value of thirty thousand dollars, it will be expedient for the city to provide a suitable place and arrangements to enable it to be used by the citizens with as great a degree of freedom as the security of the property will permit." Two years afterward, Mr. Everett tendered to the city government in aid of this design his collection of state papers and Congressional documents, numbering more than one thousand volumes, and forming a large part of the splendid collection of public documents now in the library. His example was followed by others, and early in 1852 a Librarian was appointed, and a Board of Trustees was organized for the general management of the library, consisting of five citizens chosen at large, one Alderman, and one member of the Common Council. In October of the same year, Mr. Joshua Bates, a native of this city, then resident in London, intimated his intention of contributing the sum of fifty thousand dollars in aid of the proposed institution. This intention Mr. Bates has since fulfilled, and he has also given to the library a very large collection of books of permanent interest and worth. Early in 1853 a further sum of ten thousand dollars was given by the late Mr. Jonathan Phillips, who also made a testamentary bequest of twenty thousand dollars, applicable to the same object. To the munificent donations of these gentlemen the library is greatly indebted for its present prosperity. Large sums of money or valuable presents of books have also been received from Mr. Samuel Appleton, Mr. Abbott Lawrence, both of whom died while the library was still in its infancy; Mr. John P. Bigelow, formerly Mayor of the city; Mr. George Ticknor, who, in addition to his important services as a member of the Board of Trustees from their first appointment, has given nearly three thousand volumes; Mrs. S. I. K. Shepard; and from other persons. Among the most valuable of these acquisitions are the scientific library of the late Dr. Bowditch, comprising nearly two thousand five hundred volumes, given by his sons to be used only within the building, and the library of the late Rev. Theodore Parker, numbering about eleven thousand volumes.

The reading-room connected with the institution was first opened for public use on the 20th of March, 1854, in the basement story of the school-house on Mason Street, which had been selected as a place of temporary deposit for the books already received, and their circulation for home reading began a few weeks later. Meanwhile active measures were taken for procuring a suitable piece of ground for the erection of a library building, and on the 17th of September, 1855, just two hundred and twenty-five years after the settlement of Boston, the

corner-stone of the spacious edifice on Boylston Street was laid, with appropriate ceremonies. This building was completed and dedicated on the 1st of January, 1858. It is divided into two departments, known as the Upper Hall and the Lower Hall, and it cost, together with the land, a little more than three hundred and sixty thousand dollars. The Lower Hall contains the books which it was supposed would be most frequently asked for, and was opened for general use in the autumn of 1858, at which time an "Index to the Catalogue" was published. This department contains at the present time about nineteen thousand volumes, and by the last Annual Report of the Superintendent it appears that the whole number of persons who had registered their names for the purpose of securing the privileges of the library was upward of eighteen thousand, or more than one tenth of the whole population of the city, and that the average daily circulation of books in 1860 was a little more than five hundred volumes. The books in the Upper Hall are divided into three classes, comprising, respectively, those which were given to the library on the express condition that they shall not be removed from the building, those which can be taken out only on special permission, and those which are intended for general circulation, but which it was supposed would not be so frequently asked for as the books in the Lower Hall. The "Index" to this department contains the titles of about fifty-five thousand volumes, and there are about nineteen thousand volumes, including Mr. Parker's library, which are not yet catalogued. The whole number of books, therefore, in both departments, is about ninety-three thousand volumes.

An examination of the "Index" now before us, and of the smaller one issued in 1858, shows how judiciously the Trustees have discharged their duties, both in regard to the selection of books and to the establishment of the necessary rules and regulations. We have rarely, if ever, had occasion to examine a large collection of books which contains so few that are of little or no value to any one, or which as a whole is so well adapted to the use for which it is intended. It is especially rich in the departments most likely to be of practical use in a community like ours, such as history, political economy, the natural and exact sciences, and the mechanic arts. It is also well furnished in modern French, Italian, and German literature, in works on music, and in books of travel. In the divisions of English and American history, both general and local, it is remarkably full, comprising, for instance, about seventy histories of towns in this Commonwealth, and at least one history of every county in England, beside a complete collection of Congressional documents and of the Sessional Papers of the British Parliament. It also contains most of the publications of the various

learned societies in Great Britain and France, as well as the great French and Italian historical and scientific collections. Another important series is that of Specifications of Patents, presented by the British government, and now numbering about seven hundred volumes, conveniently arranged for reference in a room exclusively appropriated to them.

In the preparation of this "Index," and also of the smaller one of 1858, the efforts of the Trustees have been efficiently seconded by the accomplished Superintendent of the library, Mr. Charles C. Jewett, and by the various assistants employed on the work. In simplicity and convenience of arrangement it leaves nothing to be desired, while the thorough bibliographical knowledge displayed in it doubles its usefulness. We have never, indeed, seen a catalogue better adapted for popular use, and we cannot but congratulate the Trustees on their wise decision in adopting the plan on which it is based at the very outset of their labors. It is strictly alphabetical in arrangement, — the full titles of the books being placed under the names of their authors, while the titles in an abbreviated form are also placed under their respective subjects. When the name of the author is not known, the book is registered under one or more of the principal words in the title. The usefulness of the "Index" is also much increased by the insertion of a brief summary of the contents of every work of more than one volume which treats of numerous topics, or which includes distinct productions, and also by the careful separation of the works of different authors of the same name. Complete alphabetical lists of the documents published by order of Congress, and of the Sessional Papers of the British Parliament, are also given. These lists fill more than forty pages, closely printed in double columns, and render the examination of the collection, thus catalogued for the first time, easy and convenient. Every student of history who has ever had occasion to consult any of these documents will readily appreciate the amount of care and labor necessary in the preparation of two such catalogues, and will feel grateful for the labor bestowed on them.

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10. — *Poems on Various Subjects, but chiefly Illustrative of the Events and Actors in the American War of Independence.* By PHILIP FRENEAU. Reprinted from the rare Edition printed at Philadelphia in 1786. With a Preface. London: John Russell Smith. 1861. 16mo. pp. xxii. and 362.

AMONG the poets of the Revolution who contributed most effectually to animate the Colonists in their struggle with England, Philip Freneau

holds the chief place. During the war, and for several years afterward, he enjoyed a large measure of popularity; and since that time many of his productions have received high praise, both at home and abroad. Yet no American edition of his Poems, we believe, has appeared for nearly half a century; and for the beautiful volume named above, we are indebted to the antiquarian taste of an English publisher. It is certainly a noteworthy circumstance, that while we have thus neglected the writings of one of our earliest and most successful humorists, they should have been deemed worthy of republication in the very country which he so cordially detested, and so sharply satirized. If, however, we retrace the incidents of his career after the establishment of independence, we shall find that this neglect of his writings is owing to the spirit of opposition excited by his violent partisanship, and to the damaging effect of the charges brought against him by the Federalists, rather than to a disposition to deny his merits as a poet of the people.

He was descended from one of the Huguenot families which fled to America after the revocation of the Edict of Nantes, and was born in New York on the 2d of January, 1752. At the age of fifteen he entered the College at Princeton, New Jersey, then under the Presidency of Dr. Witherspoon; and in 1771 he was graduated, in the same class with James Madison. Among his college contemporaries were several other young men of promise, who afterward rose to distinction in public life, — Brockholst Livingston, for several years one of the Justices of the Supreme Court of the United States; William Bradford, Attorney-General in the administration of President Washington; Hugh H. Brackenridge, distinguished both as a writer and a jurist; and the notorious Aaron Burr. Of his college life we know very little; but he seems to have acquired the elements of a good classical education, and to have shown at an early age an aptitude for poetical composition. Several of his published pieces were written before he left college, and one, "The Poetical History of the Prophet Jonah," which bears the date of 1768, contains some vigorous and well-turned lines. A college poem composed in connection with Brackenridge in 1771, and published at Philadelphia in the following year, also possesses considerable merit, both in respect to the ease of its versification and to the beauty of its descriptions. Though as a whole it bears the marks of youth, some parts are worthy of a person of mature years, and it will not suffer by comparison with similar productions at the present day.

After leaving college he led a somewhat unsettled life, residing successively in New York, Philadelphia, and several other places; but at all times he was a zealous advocate of the rights of the Colonists. Even before the commencement of the war his pen found frequent

employment in describing the wrongs suffered by them; and after hostilities began, he lost no opportunity of ridiculing the English leaders and heaping reproach on them. In 1776 he visited the Danish West Indies, and while there he wrote several of his longest, but not his best pieces. Two years afterward he made a voyage to Bermuda. On his return, he became a resident of Philadelphia, where he was for a few months editor of "The United States Magazine," a periodical of some reputation at that time, published by Francis Bailey, a well-known bookseller. In 1780, he again sailed for the West Indies, but the vessel in which he embarked had scarcely passed the Capes of the Delaware before she was captured by an English cruiser. Her passengers and crew were carried to New York, and placed on board the Scorpion prison-ship; and Freneau, having fallen sick, was subsequently transferred to the Hunter, a hulk used as a hospital-ship, where his sufferings seem to have been even greater than while he was on board of the Scorpion. The doctor was both an ignoramus and a brute; and the history of this period of his life was never forgotten by Freneau. It forms the subject of one of his most spirited poems, "The British Prison-Ship," and doubtless gave increased bitterness to many of his other pieces.

In the course of the following year he recovered his liberty, and, returning to Philadelphia, he became a frequent contributor in both prose and verse to the columns of "The Freeman's Journal." After the close of the war he seems to have led a still more checkered life, being sometimes employed as an editor, while at other periods he was engaged in mercantile pursuits, and had command of a vessel in several voyages to the West Indies and to the Southern States. In 1790 we find him acting as editor of the New York "Daily Advertiser." Here he attracted the notice of Jefferson, who gave him the appointment of translator to the Department of State; and about the same time he removed to Philadelphia, and became editor of "The National Gazette." In this paper the Federalists were made the subject of the most virulent and unscrupulous attacks; and at length Hamilton inserted a letter in "The Gazette of the United States," the organ of the party, directly charging the editor with being "the pensioned tool" of the Secretary of State. Freneau at once came forward with a statement under oath that Jefferson had not, either directly or indirectly, written, dictated, or composed a single line for the paper. Hamilton reiterated the charge in some subsequent letters, which are printed in the fifth volume of his Works, and finally Jefferson was forced to make an explanation in a letter to Washington. This letter relieves both Jefferson and Freneau from a part of the obloquy which Hamilton's

letters cast on them; but the important facts still remain, that Jefferson appointed Freneau to an office which he was incompetent to fill, that while the latter held this office he constantly assailed the policy of the party to which Jefferson was opposed, and that in these attacks even Washington himself was not spared. The paper, however, had only a short existence, and at the end of two years its editor was again thrown on the world. In May, 1795, he started a new paper, "The Jersey Chronicle," at his residence, Mount Pleasant, near Middletown, New Jersey, but it received so little support that at the end of the year it was discontinued. In March, 1797, he made another attempt to establish a newspaper, and issued, in New York, the first number of "The Time-Piece and Literary Companion"; but this paper experienced the same fate as its predecessor, and Freneau soon ceased to be connected with it. With the close of his editorial labors on this journal his public life seems to have ended; and little else is recorded of him until his death, which occurred on the 18th of December, 1832, in the eighty-first year of his age, from exposure while returning home from the village near which he resided. In crossing a bog-meadow in the evening he lost his way, and when the body was found life was extinct.

The first collection of Freneau's Poems was published at Philadelphia, in 1786, by his friend Bailey, and is reprinted in the volume now before us. Two years later some additional poems and several prose essays were published by the same person, in a volume entitled "The Miscellaneous Works of Mr. Philip Freneau, containing his Essays and Additional Poems." This collection has not fallen under our notice. In 1795 Freneau himself issued from his own press at Mount Pleasant a new edition of his Poems, "Revised and Corrected by the Author," with some variations in the titles of the pieces, and the addition of a large number of new poems. This was followed, in 1809, by a third and enlarged edition; and in 1815 he published another collection of "Poems on American Affairs, and a Variety of other Subjects, chiefly Moral and Political, written between the Year 1797 and the Present Time." On the whole, we are inclined to think that this is in some important respects the best collection of his Poems ever published, though some of his most popular productions belong to an earlier period of his life.

In spite of the praise bestowed on Freneau's Poems by the English editor, it must be conceded that they cannot justly hold a high rank. Freneau had little imagination or fancy, and but a slight command of the different kinds of verse. There is, moreover, a vein of coarseness running through much that he wrote which renders it unfit for quotation, while the want of harmony in his versification is equally apparent.

Many of his pieces are little better than mere doggerel; and in his more elaborate poems the poverty of his style is seldom redeemed by the vigor or originality of the thought. At the same time it should be observed that his ballads and many of his satirical pieces are admirably fitted to the purpose for which they were composed, and that their earnestness of tone could scarcely fail to arouse and animate the persons who read or listened to them while the events which they commemorate were still fresh in the memory. Some of the lines in the poem on the battle of Eutaw, and in other pieces of the same period, are remarkably spirited and well-turned. A similar remark will apply to the best parts of "Rivington's Last Will and Testament," and to the lines "On Hearing a Political Oration, superficially composed on an important Subject." They show that the real strength of the poet lay in his earnestness. It was this quality which made his verses popular at the time when they were written, and which still constitutes their chief merit.

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11. — 1. *Explorations and Adventures in Equatorial Africa. With Accounts of the Manners and Customs of the People, and of the Chase of the Gorilla, the Crocodile, Leopard, Elephant, Hippopotamus, and other Animals.* By PAUL B. DU CHAILLU, Corresponding Member of the American Ethnological Society, of the Geographical and Statistical Society of New York, and of the Boston Society of Natural History. With numerous Illustrations. New York: Harper and Brothers. 1861. 8vo. pp. 531.

2. *Les Bassoutos. Ou vingt-trois Années de Séjour et d'Observations au Sud de l'Afrique.* Par E. CASALIS, Ancien Missionnaire. Paris. 1860. 12mo. pp. 386.

SINCE the publication of the article on African Explorations in the April number of this Review, two new works have come to hand which require notice as supplement to that paper. The larger of these, a goodly octavo, with an abundance of wood-cuts and an accurate map, gives us in its style and form the right to expect a scientific work, — a companion to the volumes of Barth, Livingstone, and Burton. This expectation, we are bound to say, the perusal of the work does not fairly justify. It is entertaining, certainly, — too entertaining, — reminding us too much of the stories of Mayne Reid and Marryatt, and of Robinson Crusoe. The adventures are sufficiently thrilling; happen most dramatically, at the very moment when they ought to happen; hairbreadth escapes abound; and M. du Chaillu is an unquestionable hero, in skill, valor, endurance, and good fortune. Yet, as we read, we have all the

time an uneasy suspicion, not merely of exaggeration, but of invention, and we cannot help wishing that another witness might verify these statements of the heroic hunter. It is not that the accounts are too wonderful to be believed. We have travelled far enough to know that fact is stranger than fiction, and that the most extravagant stories are quite likely to be true. It is rather the arrangement of these stories, and the manner in which they are told, which throw doubt upon them in our mind. It is not necessary to show here that the statements of the volume, both as to time and place, frequently contradict one another. The friends and defenders of M. du Chaillu have not, as we think, been able to answer the charges of this class which the London Athenæum and other English papers have put forth. The least that can be said is, that M. du Chaillu has been extremely careless about his dates, and has so confused his several journeys that it is impossible to determine from the volume exactly where he was in his successive months of African travel. He claims indulgence for his book on the score of his being an unpractised writer; but surely it does not need practice as a writer to state facts and dates correctly.

The title of the book, "Equatorial Africa," and the claim that it reveals a country never before explored by a white man, suggest at once a course of travel far inland, — as far from the western coast at least as that of Burton from the eastern. We are surprised, therefore, to find that the remotest point of M. du Chaillu's travel is not more than a hundred and fifty miles from the coast, and that his account of the tribes of the farther interior is at second hand or conjectural. The whole space traversed is so small that a more fitting title would be, "Adventures in Western Africa in the Neighborhood of the Gaboon Mission." An astonishing number of tribes seem to inhabit this small territory, if the catalogue at the end of the volume is to be trusted, and the languages of Babel are faintly indicated in the variety of tongues which the slavers on this coast bear with them in their living cargoes.

M. du Chaillu's principal claim to honor is as a discoverer of new species in the Fauna of Africa, not to mention his large service in increasing the knowledge of species previously, but imperfectly, known. He gives a list of seventeen species of Mammalia, and fifty of birds discovered by himself, and of more than five times that number of known species that he has examined and described. Such a service, indeed, is rarely rendered to science by the most fortunate traveller, and for so young a man is almost miraculous. The claim of M. du Chaillu to these original discoveries is not, however, undisputed, and Mr. John Edward Gray of the British Museum is not the only person who has ventured to say that several of these new species were already known to scien-

tific men. It is but a single class of animals in which the discoveries of M. du Chaillu are very important; and, in fact, the peculiar value of the volume consists in its exhibition of the structure and habits of African apes. It is substantially a book about the gorilla and his kindred brutes. One fourth of the illustrations are devoted to the misshapen heads and bodies of these monsters, and the most exciting descriptions are those of gorilla-hunting. Yet we have to complain withal that these redundant descriptions fail to give that accurate and consistent idea of the animal which we should desire.

In the region of Africa which M. du Chaillu explored, the lion is not found. But the leopard of that region is almost as formidable, and certainly has, when hungry, a voracious appetite. A cow buffalo (which, with her companion bull, M. du Chaillu and his companion sharpshooter were able by good luck to kill in the dark by a simultaneous shot!) was "half eaten" before sunrise by a leopard. This is a remarkable instance of an animal devouring nearly its own weight at a single meal. Of the hippopotamus M. du Chaillu gives some new views, such as that the animal walks with its eyes nearly shut. He saw one with "hide lacerated in a frightful manner," yet he does not think that the tusks of these animals can give very dangerous wounds to such thickly protected bodies, in spite of the blood which discolors the river in their savage contests. Of snakes our traveller had some exciting experience, and was able to kill not a few. Elephants were numerous in the region, but did not often come within the range of his rifle. Of the human tribes that he describes, there are the Mpongwe, who number in all, slaves included, some seven or eight thousand, and who have the custom of preparing their king for his royal seat by unlimited abuse, kicking, cursing, flinging filth at him, and spitting in his face; the Mbondemo, who use wives as merchandise; the Fans, a race of extraordinary elephant-hunters and man-eaters; the Mbicho, liars and cowards, who hunt with nets, and torture women; the Bakalai, a roving race, sparing in costume, rich in wives, skilful in fishing, and using harps made of wood covered with snake-skin and strung with the fibrous roots of a tree; the Ashiras, whose king carries a bell-shaped sceptre, and whose women twist their hair into a double horn; the Apingi, whose color is yellowish black, and who offered our traveller one day a slave for supper.

On the whole, we may say of M. du Chaillu's book, that it is extremely interesting. Whether the argument of fists, which its author recently tried in a London meeting, will silence the doubts concerning the perfect accuracy of all the statements, may still be questioned. He has found eminent champions and indorsers among the British, as

among American men of science; but it is impossible to put entire confidence in a work where the anachronisms are so patent.

The other work mentioned at the head of this notice is less pretentious, but more satisfactory. It gives the result of twenty-three years of residence and travel among the tribes dwelling along the Malontis range of mountains, near the southern extremity of Africa. Its author, M. Casalis, is a missionary, and does not in his narrative forget his sacred calling, or the dogmatic scheme which he has diligently preached; but he has not for this reason neglected to observe correctly, or to state things fairly. The first third of his volume is devoted to an account of his journeying and adventures, with incidental notices of the movements of other missionaries in the same regions. The story is modestly told, and there is no effort on the author's part to make himself out a hero marvellously favored by Providence, though he was exposed more than once to frightful dangers, — to lions by the way, to warriors on their march, and to desperate cannibals.

The second portion of the volume — which treats of the manners and customs of the Bassouto tribe, their villages, houses, utensils, domestic ways, their property and hunting-grounds, their nationality and government, their religious ideas, their superstitious practices, their morals, theoretical and practical, their language, poetry, riddles, and stories — is a most carefully arranged and admirably digested summary, as readable as it is apparently accurate. M. Casalis contradicts the notion that the Bassoutos are nomads, like the Bedouin Arabs, and asserts that only two of the numerous tribes of Southern Africa are migratory in their habits, — the Namaquois and the Bushmen. The other tribes, on the contrary, are very stationary, and leave the region of their nativity only when forced to do so. They may change the sites of their villages, but not their territory itself; and landed property among them is handed down from father to son as in civilized nations. They resist most obstinately the intrusion of foreigners, and dread any attempt to buy or to divide their land. The exciting cry of their assemblies is, "*Are shueling fatsi la ꝛona*," "Let us die for our country!"

M. Casalis is able to give from his own observation a distinct denial to the statement of M. Delegorgue, a French traveller, that the tribes of Southern Africa have never been man-eaters. He was obliged, in the beginning, to assist at these horrid feasts; and on one occasion saw a young man strangled, cut up, boiled, and devoured; the women, from the queen downward, enjoying the feast as keenly as the men. The practice has now, through the influence of the missionaries and the foreign settlers, almost entirely disappeared; but there are scores of villages in which the men still tell of the good old times when they ate

as well as killed their enemies. It is hard, of course, for a missionary to admit that he has found tribes who have naturally no religion, no sense of a God, no idea of a future state of retribution, no positive conscience, and no sacred monuments. Yet M. Casalis is candid enough to make substantially this admission concerning these tribes. The only natural worship which he finds among them is the worship of "ancestors." They have no pagodas, no idols, no altars, no prayers, — no visible or ideal God. In diligent inquiry among the natives, our missionary could not find any idea of a Creator. "They all assured us that it never entered their thought that earth and heaven could be the work of an invisible being." Even in confessing that questions of cosmogony and of destiny had perplexed them, they do not seem to have got any nearer to the idea of God. Their legends of creation are almost as poetic, if not as reasonable, as those of the Asiatic nations. One legend has it, that men and animals came out, through an immense hole, from the bowels of the earth, the animals first making their appearance. Another tells how man came up from the marsh, showing himself among the reeds; and a reed on the cabin is still the sign which tells of a birth within it. The occupation of the first men was to hold up the roof of the cavern from which they issued. The condition of the first race was worse than that of the brutes; they were more stupid, degraded, and sensual. The first mischief-maker was a woman, who undertook to poison her rival, but revealed by her fortunate wickedness that blessing to the race, wheat. The spirit-world is in the interior of the earth, and it is a very comfortable place for the quiet shades, who walk silently there, unconscious either of joy or of pain. At present there is no idea of any reward or punishment. Yet, if we may trust Joano dos Santos, a Dominican missionary, who visited Mozambique in 1506, the Caffres in that age had the idea of a future state, both of happiness and misery.

In regard to moral ideas, M. Casalis finds among the tribes of Southern Africa a notion of right and wrong, but no notion of the origin or the result of this distinction. They cannot easily be taught the foundation of morality, and have no innate horror of crime. Crimes are rather inconvenient, dangerous, and improper, than wicked. They are careful about forms, and have their notion of politeness as well defined as the most practised Parisian. When food is brought into a social gathering, every one must taste it; if it be only a lump of sugar, it must go through the whole circle of mouths before it is dissolved. Before one can interrupt another in speaking, he must say, "Allow me to strike you on the mouth." To spit in front of a man when he is eating is an offence as heinous as to call him a villain, or to steal his gar-

ment. In fact, the laws of morality among these African tribes are mainly laws of politeness.

Not the least interesting chapters of this volume are those upon the language and the literature, so to speak, of the Bassoutos. This literature is not printed or written, but it has currency in the speech of the people, and it supplies their want of culture. The fifty-one proverbs which M. Casalis gives as specimens compare very favorably with the proverbs of Asiatic and European nations, and some of them, indeed, are identical with the proverbs of Hebrew and of Roman origin. There is keen point to the stories, so much as to make us regret that M. Casalis has been so sparing in citing them. The poetry is warlike, and is quite defective in the tender passion. The language is rich in synonymes, in prefixes, in conjunctions, and in the power of expressing shades of meaning. Each verb has four varieties of *kind*, with four *voices*. In no language has the verb "to love" so many changes. M. Casalis gives a long list of words which seem borrowed from the Hebrew.

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12. — *The Metaphysics of* SIR WILLIAM HAMILTON, *collected, arranged, and abridged, for the Use of Colleges and Private Students.* By FRANCIS BOWEN, Alford Professor of Moral Philosophy in Harvard College. Cambridge: Sever and Francis. 1861. 12mo. pp. 563.

WE have so recently reviewed Sir William Hamilton's "Lectures on Metaphysics," as to leave no necessity for especial comment on the materials of this volume. These "Lectures" were hastily written some twenty-five years ago, were not to any considerable extent modified in accordance with the growth and change of the author's views, and appeared under the disadvantages of posthumous publication. Professor Bowen, taking the "Lectures" as the basis of his manual, has expunged such portions as were either redundant, superseded by later expressions of opinion, or irrelevant to the purpose of a text-book, and has inserted from the author's other works such collateral and supplementary statements and arguments as were needed to do full justice to the successive subjects of discussion. A process of this kind almost always does atrocious wrong to the author — living or dead — who is subjected to it; for such work is generally undertaken by a mere mercenary bookwright, and often in cases where the original book is better than any abridgment or modification of it can be. But Sir William Hamilton invited this treatment by his having furnished all the materials for a system of his own, while he omitted to combine and

arrange them in a form adapted to the use of students. At the same time, Mr. Bowen's eminence as a scholar, thinker, and writer in this department, his long experience as a teacher, and his experimental use of the "Lectures" as a text-book, might have given the assurance, which he has fully verified, that so delicate an editorial task would be thoroughly, faithfully, and successfully performed. We cannot doubt that, if Sir William were still living, the volume would have his cordial IMPRIMATUR; and the students of our colleges are to be congratulated that the labors of the great master of metaphysical science are now rendered much more availing for their benefit than they were made, perhaps than they could have been made, by his own hand.

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13. — *Primary Object Lessons for a Graduated Course of Development. A Manual for Teachers and Parents, with Lessons for the proper Training of the Faculties of Children.* By N. A. CALKINS. New York: Harper and Brothers. 1861. 12mo. pp. 362.

THE two great errors in the prevalent methods of education have been the preponderance of words over ideas, and the neglect of the avenues of knowledge afforded by the organs of perception. Children have been made to charge the memory with words, phrases, and sentences to which they could attach no meaning, while the education of the senses and education through the senses have been alike unthought of. The consequence is, that the book-taught child not only has known less of common things than the wholly untaught, but has also been destitute of conceptions corresponding to the verbal lessons which have been studied with the utmost diligence. The imparting of the ideas rather than of the mere names of things, and the enlisting of all a child's faculties into the service of education, characterize the system of which Pestalozzi, though not the author, was doubtless the most efficient propagandist. The series of lessons now before us is designed to precede the study of books, to develop the child's power of observation, to cultivate habits of accurate perception, to aid reflection on what comes under the cognizance of the senses, and thus to lay the foundation for actual knowledge. Mr. Calkins has sketched the outline of what he deems to be three years' work for the parent or teacher, and we doubt whether the first three years of mental training could be more profitably passed than under some such directory as this. The lessons seem to us devised and arranged with a skill which can have been derived only from ample experience, and the volume bears the marks of authorship by one who has been a painstaking and successful educator.

14. — *A Course of Six Lectures on the Chemical History of a Candle: to which is added a Lecture on Platinum.* By MICHAEL FARADAY, D. C. L., F. R. S., Fullerian Professor of Chemistry, Royal Institution; Foreign Associate of the Academy of Sciences, etc. Delivered before a Juvenile Auditory at the Royal Institution of Great Britain during the Christmas Holidays of 1860–1. Edited by WILLIAM CROOKES, F. C. S. With numerous Illustrations. New York: Harper and Brothers. 1861. 16mo. pp. 223.

HERE we have a series of "object-lessons" well worthy of the author's world-wide reputation. On the text of the candle he has constructed a commentary of chemical science, at once simple and profound, intelligible by a child and yet conveying the last results of research and experiment. The lecture on platinum has similar merit, though the subject was less within the familiar knowledge of the audience, and its treatment, equally plain to those who witnessed the brilliant experiments which attended the delivery of the lecture, is not so easily understood from the printed page.

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15. — *The Popular Education of France, with Notices of that of Holland and Switzerland.* By MATTHEW ARNOLD, M. A., Foreign Assistant-Commissioner to the Commissioners appointed to inquire into the State of Popular Education in England; Professor of Poetry in the University of Oxford; one of her Majesty's Inspectors of Schools. London: Longman, Green, Longman, and Roberts. 1861. 8vo. pp. l., 294.

MR. ARNOLD'S survey of the systems of popular education in France, Holland, and Switzerland, results, as might have been anticipated, in a comparison by no means favorable to his own country. It proves that the state may assume extensive educational functions without injuriously affecting individual freedom, may multiply the privileges of its future citizens without endangering the just equilibrium of society, and may provide for the religious instruction of children and youth without injustice to the various sects which equally bear the public burdens and are entitled to equal benefit in the public expenditures. It proves also that there is no necessity for so costly and cumbrous a system of educational supervision and management as is in accordance with the genius or the habitudes of British institutions. The volume is full of valuable suggestions for the vast work in which England as yet lingers far behind the United States and the other countries of Western Europe. The book, otherwise worthy of the highest praise, is disfigured by gratuitous

sneers at American civilization, which betray more ignorance than ill-nature, and which on that very account are the more unworthy of a volume professing to give the results of actual research and inquiry, and of a scholar whose cosmopolitan culture ought to have raised him above vulgar national prejudice.

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16. — *Words of Comfort for Parents bereaved of Little Children.* Edited by WILLIAM LOGAN, Author of "The Moral Statistics of Glasgow." With an Introduction by the REV. WILLIAM ANDERSON, LL. D., Glasgow. London: James Nisbet & Co. 1861. 16mo. pp. 374.

WE have here an instance in which the deep grief of one heart has opened sources of unspeakable comfort for many. This volume was occasioned by the death of Mr. Logan's only daughter, a sweet little girl of nearly five years. It commences with an Introduction by Dr. Anderson, on "The Question of Infant Salvation," which would be highly satisfactory if a doubt on the subject could be reasonably entertained; but we are prone to lose all patience with the discussion of a question which to answer in the negative tears the very heart out of Christianity, and degrades it below the level of Moloch-worship. Next follows a touching sketch of the editor's departed Sophia, with several letters written to her parents on the occasion of her death. The greater part of the volume consists of extracts and original contributions from various writers, British and American, all bearing upon the heavenly life of translated children, or suggesting thoughts of peace to their parents, together with many familiar and several new and strikingly beautiful poems of similar intent and purport. A richer treasury of consolation in human words could hardly be compiled, though all who have had experience of such bereavement have felt that the best office of essay, sermon, or song under the stress of grief is to remand the stricken hearts to the Divine words of Him who spake as never man spake.

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17. — *A New Translation of the Book of Job. With an Introduction, and Notes chiefly Explanatory.* By GEORGE R. NOYES, D. D., Hancock Professor of Hebrew, etc. and Dexter Lecturer in Harvard University. Third Edition. Carefully Revised. Boston: James Munroe & Co. 1861. 12mo. pp. 212.

THE first edition of this work was duly reviewed in our pages. Of that edition we have not a copy at hand; but from our remembrance

of it, we can imagine very little necessity of its being "carefully revised." However, we recollect several instances in the second edition in which Dr. Noyes made one of the hardest of sacrifices for a translator's integrity, — the yielding up of a peculiarly pointed, striking, and felicitous rendering for one which had no claims upon interest or notice except its having been elicited by more careful study of the original. But without comparing editions, we would say emphatically that the volume now before us is unsurpassed in its kind. The Introduction defines with great clearness and precision the nature and purpose of the Book of Job, and discusses with perfect fairness the various theories as to its external history and the date of its composition, together with the vexed questions as to the genuineness of the prologue, the epilogue, and Elihu's speech. The version has the three essential characteristics of fidelity, intelligibleness, and adequate elevation of style and diction, — the first of the three preponderating as it should; for in the Hebrew poetry there are passages which, in the confession of the honest critic, remain, if not in unrelieved obscurity, at least under a *penumbra*, while some images and turns of thought that were poetical to a Jewish fancy can be truly rendered only in very unambitious English prose. The notes are brief, occur only where they are needed, and always give the best light that can be thrown on involved constructions, ambiguous words and phrases, and allusions to Oriental life, scenery, and ideas.

Dr. Noyes has in readiness for the press a revised copy of his translation of the Prophets, with important additions to the Introduction and Notes, the publication of which has been postponed by the death of the senior member and head of the publishing firm that has issued the volume now in our hands. We trust that some other firm may deem it for its interest, no less than its honor, to give this valuable manuscript to the public.

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18. — *The Uprising of a Great People. The United States in* 1861. From the French of Count Agénor de Gasparin, by Mary L. Booth. New York: Charles Scribner. 1861. 12mo. pp. 263.

We have as yet seen no American publication of any kind which can bear comparison with this French work in point of fervent zeal for the cause of freedom, order, and progress as involved in our existing civil war. The author sees in the events which led to the contest the indignant protest of the Northern people against the slave-power to which they had so long succumbed, and against the plutocracy among themselves, which had been always Southern, and not national in its

sympathies and influence. He does not express assured confidence that the seceding States can be brought back into the Union; but he has no doubt of the virtual success of the North, in freeing itself permanently from the slave-power, and in initiating the first irreversible steps toward the abolition of slavery. He believes that, if our republic comes out of the war with diminished territory, it will yet be to a more prosperous, brilliant, and beneficent career than seemed possible a year ago, when its mutually incongruous portions were bound together in a Mezentian embrace, the living and the dead. The spirit of the book may be inferred from the following passages.

"Who speaks of the end of the United States? This end seemed approaching but lately, in the hour of prosperity; then, honor was compromised, esteem for the country was lowered, institutions were becoming corrupted apace; the moment seemed approaching when the Confederation, tainted by slavery, could not but perish with it. Now, everything has changed aspect; the friends of America should take confidence, for its greatness is inseparable, thank God! from the cause of justice.

"*Justice cannot do wrong;* I like to recall this maxim when I consider the present state of America. In escaping a sudden and shameful death, it will not, assuredly, escape struggles and difficulties; in returning to life, it will encounter battle and danger longer than it imagines; life is composed of this. To live is a laborious vocation, and nations who wish to keep their place here below, who wish to act and not to sleep, must know that they will have their share of suffering. Perhaps it enters into the plans of God that the United States should endure for a time some diminution of their greatness; let them be sure, notwithstanding, that their flag will be neither less respected nor less glorious, if it shall thus lose a few of its stars. Those which it loses will reappear on it some day, and how many others, meanwhile, will come to increase the Federal Constellation! With what acclamations will Europe salute the future progress of the United States, as soon as their progress shall cease to be that of slavery!"

We are thankful for this book as an exhibition of the best type of European sentiment with regard to our national condition and prospects, and as an effective instrument in the diffusion of right views and genial sympathies among a people whose opinions and feelings cannot but be recognized in the policy of its supreme executive. We hope that the translation will have extensive currency within our own borders; for it cannot fail to inspire and nourish true patriotism. We are surprised to find our author familiarly conversant with the character and relations of our political parties and religious sects, and with the entire structure of our society. We have noticed a few slight mistakes as to names, dates, and unessential facts, none whatever as to any matter that affects the questions at issue; while the whole work is redolent of so intense an

American feeling, that the key-note of our most generous patriotic utterances is hardly pitched so high as that which comes to us from beyond the ocean, and from one who, we believe, has never set foot upon our soil.

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19. — 1. *Military Dictionary: Comprising Technical Definitions; Information on Raising and Keeping Troops; Actual Service, including Makeshifts and Improved Materiel; and Law, Government, Regulation, and Administration relating to Land Forces.* By Colonel H. L. Scott, Inspector-General, U. S. A. New York: D. Van Vostrand. 1861. 8vo. pp. 674.

2. Lloyd's *Military Campaign Chart.* (Pocket Edition.) Arranged by Robert L. Viele and Charles Haskins, Military Engineers. *With a Glossary of War-Terms, a Table of Distances, and a Steel Portrait of Lieut.-Gen. Winfield Scott.* New York: H. H. Lloyd & Co. 1861. pp. 12.

Timely as Colonel Scott's work appears, we learn from his Preface that it was nearly completed before the beginning of our "existing disturbances." It has the characteristics of a book faithfully prepared, and designed for permanent use except so far as its contents may be rendered obsolete by improvements in military art. It is illustrated, wherever such aid is needed, by engravings on wood. It is as full and explicit on military law as on purely technical matters. It is certainly adapted to enlighten a non-military man on a wide range of subjects on which the stress of our times has awakened unwonted interest; and, so far as we can hazard a judgment in a department of knowledge widely alien from our pursuits, we cannot but regard it as a work of the highest value to the cultivated members of the profession of which it treats.

The pamphlet bearing the imprint of Lloyd & Co., with its large folded chart, is designed for the people and the times. The chart contains no less than fourteen maps, including a general map of the United States painted so as to show the position and proportion of the seceding as compared with the loyal States, a map of Maryland, Virginia, and the adjacent waters, another of the District of Columbia, and plans of all the principal places that have been seats of war in the present conflict. These maps form by far the best geographical apparatus for the elucidation of our contemporary history that we have yet seen. The pamphlet with which the chart is bound up gives brief and well-worded definitions of such terms as occur constantly in the despatches of our officers and the war news of the day.

20. — *The Southern Rebellion and the War for the Union. A History of the Rise and Progress of the Rebellion and Consecutive Narrative of Events and Incidents, from the first Stages of the Treason against the Republic down to the Close of the Conflict, together with important Documents, Extracts from remarkable Speeches, &c. &c.* Nos. 1 – 3. New York: James D. Torrey. 1861. Weekly. 8vo. pp. 1 – 96.

This publication promises to be of the highest historical value. It commences with a succinct narrative of former conspiracies. Its history of the present rebellion is calm and unimpassioned, statistical and circumstantial, enriched with the leading documents which illustrate its inception and progress, and manifestly adapted to diffuse just sentiments, not by inflammatory appeals, but by the presentation of facts, acknowledged motives, and avowed purposes. Such a work, continued till the sad conflict shall terminate, will be of permanent authority, and will furnish the future historiographer of this critical period with materials, which, if not gathered now, might, in a few years, be gleaned but partially and with difficulty from files of newspapers, or from doubtful memory and exaggerated tradition.

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21. — *The Soldier's Pocket-Bible. An Exact Reprint of the Original Edition of* 1643. With a Prefatory Note. By George Livermore. Cambridge. 1861. pp. viii., 16.

This reprint is a fac-simile of a tract published for the use of the Puritan army shortly after the commencement of the civil war in England. Mr. Livermore believes it to have been the Bible, a copy of which was furnished to every soldier in Cromwell's army, and in his Prefatory Note he states satisfactory — we think conclusive — reasons for this belief. Only two copies of the original are known to be in existence. It consists of the texts of Scripture bearing on a soldier's life and duty, arranged under appropriate captions. It is an able and ingenious compilation, interesting for the skill which it displays, curious as an historical document, and memorable for the inspiration which it must have given to men who fought in the assurance that they were instruments in the hands of Providence for the establishment of the word of God and the reign of his saints. Mr. Livermore merits our hearty thanks for his generous care in rescuing this rare antique from oblivion. We quote the original title-page: —

"The SOULDIERS Pocket Bible:

"Containing the most (if not all) those places contained in holy Scripture, which doe shew the qualifications of his inner man, that is a fit

Souldier to fight the Lords Battels, both before he fight, in the fight, and after the fight;

"Which Scriptures are reduced to severall heads, and fitly applyed to the Souldiers severall occasions, and so may supply the want of the whole Bible, which a Souldier cannot conveniently carry about him:

"And may bee also usefull for any Christian to meditate upon, now in this miserable time of Warre.

"Imprimatur, *Edm. Calamy.*

"*Jos.* 18. This Book of the Law shall not depart out of thy mouth, but thou shalt meditate therein day and night, that thou maist observe to doe according to all that is written therein, for then thou shall make thy way prosperous, and have good successe.

"Printed at *London* by *G. B.* and *R. W.* for *G. C.* 1643."

22.— *The Anarchiad: a New England Poem.* Written in Concert by David Humphreys, Joel Barlow, John Trumbull, and Dr. Lemuel Hopkins. Now first published in book form. Edited, with Notes and Appendices, by Luther G. Riggs. New Haven: Thomas H. Pease. 1861. 16mo. pp. 120.

It is well known that the interval between the close of the Revolutionary war and the adoption of the Federal Constitution was, in the New England States, a period of general discontent and of numerous conflicts and collisions between large numbers of the citizens and the established authorities. The depreciation of paper money, the lack of employment for the disbanded soldiery, the unsettled state of society consequent on a protracted war, and the preponderant numbers of the debtor class, multiplied causes of uneasiness, and cherished the growth of treasonable plottings, practices, and movements, which, in Massachusetts, culminated in the Shays rebellion, and in the other States produced numerous disturbances on a smaller scale and of less alarming portent. At this time the cluster of poet-wits named in the title-page quoted above, all resident in Hartford, published in "The New Haven Gazette and Connecticut Magazine" the series of papers now reprinted. They purported to be an account, with specimens, of "The Anarchiad: a Poem on the Restoration of Chaos and Substantial Night." The poem was fabled to have been found among some recently-discovered ruins, cleansed and made legible by a chemical preparation, and deciphered by the antiquarian zeal of those into whose hands it came. It contained, under the cover of pretended prophecy, and with well-contrived mythical machinery, sketches of the anarchical proceedings then rife, and of the utter social chaos which was their legitimate tendency. Among the more credulous, the fable gained,

strange as it may seem, extensive credit. This series of papers is among the choicest specimens of the satirical literature which abounded at that epoch. They are now collected and republished, with an ample and able historical commentary. They are valuable at once as a memorial of their distinguished authors, and as affording a vivid picture of the perilous condition of the country, which seemed to have been rescued from foreign misrule only to plunge into the abyss of democratic tyranny. The publication is well timed, at an epoch when we are again threatened with disintegration and anarchy.

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23. — *Carthage and her Remains: being an Account of the Excavations and Researches on the Site of the Phœnician Metropolis in Africa, and other Adjacent Places.* Conducted under the Auspices of Her Majesty's Government. By Dr. N. Davis, F. R. G. S., &c. With Illustrations. New York: Harper and Brothers. 1861. 8vo. pp. 504.

It is impossible, in a brief notice, to do even approximate justice to a volume like this. The explorations which it records seem to have been judiciously and faithfully made; the narrative is clear, circumstantial, and manifestly authentic; and the light which it sheds on ancient history attaches to it importance of a very high order. We are sorry to make exception to the author's style, which is not that of a practised writer; but it is too much to ask that a man qualified to conduct so difficult an enterprise should always meet the demands of a fastidious rhetorical taste, and more is gained by a first-hand description than can be lost by any infelicities of manner. We should also take exception to some of the author's historical and philological arguments and conclusions, which are often little else than a *petitio principii*. But was not this the prevalent mode of reasoning in the whole field of ancient history, till Niebuhr inaugurated a new era?

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24. — *Contributions to the Thirteenth Annual Report of the Regents of the University on the State Cabinet of Natural History, in the State of New York.* By T. Apoleon Cheney. Albany. 1860. pp. 15, Plates 24, and Map.

The field of Mr. Cheney's explorations is the district bordering upon Lake Erie. His discoveries embrace tumuli of stone and earth, sacred enclosures, fortifications, ancient roads, cemeteries, wells, hearths, and numerous objects of art ornamental and useful. The earth-works

are, in general, more regular in their structure than those in other parts of New York and in Northern Ohio, and bear a close resemblance to many that have been found in the valley of the Mississippi. They give evidence that the region was once the seat of a dense, warlike, and by no means wholly rude or unskilled aboriginal population. Among the works of art are a statuette cut in relief from a block of granite, with well-defined features, an image of life-size in gray sandstone, and a pipe carved from steatite, bearing on the bowl a singularly graceful figure of an Indian, surmounted by what appears to be a wreath of flowers. There are also various other specimens of carved work, with several weapons which indicate a somewhat advanced state of mechanical industry. The illustrations, drawn by Mr. Cheney, have a very high order of merit, and, with his singularly lucid text, they put us into an unusually complete possession of the entire results of his researches. He has all the characteristics of a faithful and successful explorer, uniting with genuine antiquarian zeal the science and skill of an accomplished topographical engineer and draughtsman. We trust that we shall meet him again on some more extended and equally fruitful field of the yet undescribed antiquities of our continent.

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25. — *A History of American Manufactures from* 1608 *to* 1860: *exhibiting the Origin and Growth of the Principal Mechanic Arts and Manufactures, from the earliest Colonial Period to the Adoption of the Constitution, and comprising Annals of the Industry of the United States in Machinery, Manufactures, and Useful Arts, with a Notice of the Important Inventions, Tariffs, and the Results of each Decennial Census.* By LEANDER BISHOP, M. D. To which is added, *Notes on the Principal Manufacturing Centres and Remarkable Manufactories of the Present Time.* In Two Volumes. Vol. I. Philadelphia: Edward Young & Co. 1861. 8vo. pp. 643.

THE volume before us is devoted chiefly to the history of manufactures from the settlement of this country to the adoption of the Constitution, though some of the articles are brought down to a much later date, and some to our own day. What strikes us chiefly in the work is its thoroughness and completeness. It embraces the entire circle of the manual arts, and gives dates, places, names, and details with the utmost circumstantiality. The arrangement is such that each branch of manufacturing industry may be traced from its beginning to an advanced stage, successively in each of the Colonies and States. The volume is made available for consultation by a minute alphabetical in-

dex. The work, when completed, will be one of national importance, and must take its place as of standard authority in the department to which it relates. It has evidently been prepared with the most painstaking diligence by an author who has made himself intimately conversant with his subject, and who has in view, not transient popularity, but extended usefulness.

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26. — 1. *Tales of the Day, Original and Selected.* Vol. I. Nos. 1–3. Boston: William Carter and Brother. May, June, and August, 1861. 8vo. pp. 1–360.

2. *Short Stories for Leisure Hours. Selected from Tales of the Day.* Vol. I. No. 1. Boston: William Carter and Brother. September, 1861. 8vo. pp. 128.

We feel interested in the success of this enterprise. The question is not whether tales shall be extensively read. A large and increasing public has answered this question in the affirmative. Those whose pursuits are of the very gravest character are not unwilling thus to occupy their weary hours, their vacation seasons, and their journeyings; while for the many who will read little else it is certainly of great consequence that their appetite should be catered for without detriment, and if possible with benefit, to principle and character. The Tales issued in this publication of the Messrs. Carter are without exception high-toned in their moral character; most of them are attractive and entertaining; several of them are of thrilling interest; several of them are of superior worth in a didactic point of view; and, as a whole, they commend themselves to a cultivated literary taste. The prose stories are interspersed with poems, some of which are of a very high imaginative and poetical merit. If the work is sustained as it has been begun, it cannot but win increasing favor and an extended circulation.

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27. — *Seasons with the Sea-Horses; or, Sporting Adventures in the Northern Seas.* By James Lamont, Esq., F. G. S. New York: Harper and Brothers. 1861. 8vo. pp. 282.

This beautifully printed and illustrated volume is very fascinating. The author has high scientific culture, a keen eye and a vigorous pen for the grand, beautiful, and picturesque, and a genuine love of adventure. In the chase of the walrus and the seal he approached perilously near the region of eternal ice, and encountered dangers which it is surprising that he lives to recount. His descriptions of scenery, his pic-

tures of Scandinavian life, manners, and character, his narratives of the chase for the walrus among icebergs, his accounts of the habitudes of that anomalous denizen of the Northern Ocean, his modest, *naïve*, and brilliant story of his personal experiences, — all have a rare and novel zest and charm.

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28. — *Life and Adventure in the South Pacific.* By a Roving Printer. New York: Harper and Brothers. 1861. 12mo. pp. 361.

We have here an unpretending and unambitious narrative of a whaling voyage, by one who had rare opportunities of observation, among the islands of the Southern Pacific, as well as at some of the ports of Eastern Asia. The author has no great skill as a writer; but he attempts merely a journal of what he saw, and he has a sufficient command of language to make his story graphic and interesting. To those not familiar with the processes employed in capturing and utilizing the whale, the minute, pictorially illustrated account of the whaleman's craft and mystery will sufficiently commend the volume; while no reader can fail to be richly entertained by the previously unwritten chapters of insular savage life which are interspersed with the adventures of the sea.

NEW PUBLICATIONS RECEIVED.

Our Country not Forsaken of God. A Sermon preached to the Students of Bowdoin College, in the Congregational Church, Brunswick, June 23, 1861. By Egbert C. Smyth, Collins Professor of Natural and Revealed Religion. Brunswick. 1861.

A Village Ministry in Massachusetts: a Farewell Sermon, preached July 1, 1860, in the Meeting-House recently belonging to the "South Groton Christian Union," by David Fosdick, Jr., Minister of the Society. With Notes and Preface. Boston: Crosby, Nichols, Lee, & Co. 1861.

The Pulpit and the Rostrum. Sermons, Orations, Popular Lectures, &c. No. 20. The Causes of the American Civil War: a Paper contributed to the London Times, by J. Lothrop Motley, LL. D., D. C. L. New York: H. H. Loyd & Co. 1861.

The American Rebellion. Some Facts and Reflections for the Consideration of the English People. By an American Citizen. London: Beadle & Co. 1861.

The Civil War in America: or, The Slaveholders' Conspiracy. An Address, by William Henry Channing. Liverpool: W. Vaughan. pp. 100.

Law and Military Law; with an Analysis, by Subjects, of the Rules and Articles of War. A Preliminary Lecture. By Rev. J. W. French, D. D., Professor in the United States Military Academy, West Point. New York. 1861.

The Social Significance of our Institutions: an Oration, delivered by Request of the Citizens at Newport, R. I., July 4th, 1861. By Henry James. Boston: Ticknor and Fields. 1861.

The Great Conspiracy. An Address delivered at Mt. Kisco, West Chester County, New York, on the 4th of July, 1861, the 86th Anniversary of American Independence. By John Jay, Esq. New York: Roe Lockwood and Son. 1861.

Chimes of Freedom and Union. A Collection of Poems for the Times, by Various Authors. Boston: Benjamin B. Russell. 1861.

A Discourse, commemorative of Charles Brickett Haddock, D. D., late Professor of Intellectual Philosophy and Political Economy. Delivered before the Faculty and Students of Dartmouth College, April 19, 1861. By Samuel Gilman Brown, Professor in the College. Windsor. 1861.

Biographical Notice of Prof. William Tully, M. D. By Henry Bronson, M. D., of New Haven. New Haven. 1861.

The Present Battle of Christianity and the Church. By Rev. Edward J. Young. Boston. 1861.

The War of Secession. Boston. 1861.

Eighth Annual Report of the Trustees of the American Congregational Union, for 1860 – 61. With the Annual Address, by Rev. Joseph P. Thompson, D. D., on "The Primitive Ecclesia." New York: N. A. Calkins. 1861.

The Further Revision of the Liturgy, with a Reference to the Clergy, "Essays and Reviews," etc., etc. London: Hamilton, Adams, & Co. 1861.

Amendments in the Book of Common Prayer, prepared by the Committee of the Liturgical Amendment Society (Ireland). With the Assistance of a Number of the Clergy and Laity in England and Ireland. London: Hamilton, Adams, & Co. 1861.

Unitarian Missionary Papers, consisting of: — 1. The Religious Condition of the People. By George Beaumont. 2. How to make Unitarian Christianity produce its Due Effect on the Public Mind. By J. C. Street. 3. Unitarianism, its Mission and its Missionaries. By William Binns. London: Edward Whitfield. 1861.

Sanscrit and English Analogues. By Pliny Earle Chase, A. M. Extracted from the Proceedings of the American Philosophical Society. London: Sampson Low, Son, & Co. 1860. pp. 117.

Chinese and Indo-European Roots and Analogues. First Number. By Pliny Earle Chase, A. M. London: Sampson Low, Son, & Co. 1861.

An Eulogy on the Life and Character of John Marshall, Chief Justice of the Supreme Court of the United States. Delivered at the Request of the Councils of Philadelphia, on the 24th September, 1835. By Horace Binney. (Reprinted.) Philadelphia. 1861.

An Eulogium upon the Hon. William Tilghman, late Chief Justice of Pennsylvania. By Horace Binney. (Reprinted.) Philadelphia. 1861.

The Silent Woman. By the Author of "King's Cope," etc., etc. Boston: T. O. H. P. Burnham. 1861. pp. 178.

Library of Select Novels. No. 217. A Day's Ride. A Life's Romance. By Charles Lever, Author of "Charles O'Malley," "The Martins of Cro' Martin," "One of Them," "Maurice Tiernay," "The Dodd Family Abroad," "The Daltons," &c., &c. With Illustrations. New York: Harper and Brothers. 1861. pp. 152.

Actes de l'Académie Imperiale des Sciences, Belles-Lettres et Arts de Bordeaux. 3e Série. — 21e Année. — 1859. — 4e Trimestre. Paris: E. Dentu. 1859. pp. 332.

Chambers's Encyclopædia. A Dictionary of Universal Knowledge for the People. On the Basis of the Latest Edition of the German Conversations Lexicon. Illustrated by Wood Engravings. Parts 32 – 35. Philadelphia: J. B. Lippincott & Co. [Vol. III.] pp. 289 – 504.

The Sanitarium. A Journal of Moral, Mental, and Physical Culture. Vol. I. Nos. 1, 2. Boston: C. M. Rollins. April, July, 1861. Monthly. 4to. pp. 16, 16.

Rights of Humanity. Vol. I. No. 1. Chicago: Alpha Zender & Co. August 1, 1861. 1st and 15th of each month. 4to. pp. 4.

The American Tract Society's Almanac, for the Year of our Lord and

Saviour Jesus Christ 1862; being the Second after Bissextile, and, until the Fourth of July, the Eighty-sixth Year of the Independence of the United States. Calculated for Boston, New York, Washington, and Charleston, and Four Parallels of Latitude. Adapted for Use throughout the Country. The Astronomical Calculations by Asaph Hall, Assistant at Cambridge Observatory. Boston: American Tract Society. 1861.

Charges against Slavery. Extracts from a Discourse delivered at Pittsfield, on the National Fast Day, Jan. 4, 1861, by Rev. Heman Humphrey, D. D. Boston: American Tract Society. 1861.

The Soldier's Companion; or Short Stories for Leisure Moments. Boston: American Tract Society. 1861.

Willie, the Soldier's Son. By an English Lady. Boston: American Tract Society. 1861.

Take Care of your Health: Advice to Soldiers. By W. W. Hall, M. D. Boston: American Tract Society. 1861.

The Best Story; or, An Hour with the Children. By Mary W. Janvrin. Boston: American Tract Society. 1861.

My Child's Dream, and My Child's Thought. By Aunt Katie. Boston: American Tract Society. 1861.

To Bereaved Parents. Our Memories of the Dead made a Sweet Savor to Christ. By the Authoress of "Shady Side." Boston: American Tract Society. 1861.

The Gospel Church of Brookline, Longwood. 1861. Boston. 1861.

Minutes of the Maine Annual Conference of the Methodist Episcopal Church, held at Gorham, April 4, 1860. Thirty-sixth Session. Portland. 1860.

Statement of the Committee appointed to consider the Institution proposed by Miss Emma Hardinge, for Homeless and Outcast Women. Boston. 1861.

Thirteenth Annual Report of the Secretary of the American Dramatic Fund Association. New York. 1861.

Circular and Catalogue of the Law School of the University of Albany, for the Year 1860–61. Albany: Munsell and Rowland. 1861.

Register and Circular of the State Normal School at Salem, Mass., for the Spring and Summer Term, 1861. Salem. 1861.

The American Journal of Science and Arts. Extra. The Great Comet of 1861. New Haven. 1861.

Account of the Comet II., 1861, as seen at the Observatory of Harvard College. Communicated by G. P. Bond. [From the Advanced Sheets of the Am. Jour. Sci. for Sept., 1861.] New Haven. 1861.

Union and Patriotic Album. Illustrated Envelope Holder. Boston: J. M. Whittemore & Co. 1861. 100 Illustrated Envelopes.

Positive Facts without a Shadow of a Doubt. By Michael George Duignan. New York. 1862. 8vo. pp. 1103.

Regeneration. By William Anderson, LL. D. Second Edition. Edinburgh: Adam and Charles Black. 1861. 12mo. pp. 322.

Picture Book for Little Children. Boston: American Tract Society. 1861. 16mo. pp. 144.

Songs of Prayer and Praise. Boston: American Tract Society. 1861. pp. 208.

Philosophia Ultima. Charles Woodruff Shields. Philadelphia: J. B. Lippincott & Co. 1861. 8vo. pp. 96.

Abridgment of the Debates of Congress, from 1789 to 1856. From Gales and Seaton's Annals of Congress; from their Register of Debates; and from the Official Reported Debates, by John C. Rives. By the Author of the Thirty Years' View. Vol. XVI. New York: D. Appleton & Co. 8vo. pp. 631.

Eighth Annual Report of the Secretary of the Massachusetts Board of Agriculture, together with Reports of Committees appointed to visit the County Societies, containing an Abstract of the Finances of the County Societies, for 1860. Boston. 1861. 8vo. pp. 586.

Third Annual Report of the Chamber of Commerce of the State of New York, for the Year 1860 – 61. New York. 1861. 8vo. pp. 338.

History of Margaret of Anjou, Queen of Henry VI. of England. By Jacob Abbott. With Engravings. New York: Harper and Brothers. 1861. 16mo. pp. 316.

M. Tullii Ciceronis Cato Major sive de Senectute, Lælius sive de Amicitia, et Epistolæ Selectæ. Recensuit G. Long. New York: Harper and Brothers. 1861. 16mo. pp. 112.

T. Lucreti Cari de Rerum Natura Libri Sex. Recognovit Hugo A. I. Munro, M. A. New York: Harper and Brothers. 1861. 16mo. pp. 190.

C. Julii Cæsaris Commentarii de Bello Gallico. Recognovit Geo. Long, M. A. New York: Harper and Brothers. 1861. 16mo. pp. 187.

Harper's Series. School and Family Readers. The Fifth Reader of the School and Family Series. By Marcius Willson, Author of Primary History, History of the United States, American History, and Outlines of General History. New York: Harper and Brothers. 1861. 12mo. pp. 540.

Latin Accidence and Primary Lesson Book; containing a full Exhibition of the Forms of Words, and First Lessons in Reading. By George W. Collard, A. M., Professor of Latin and Greek in the Brooklyn Collegiate and Polytechnic Institute. New York: Harper and Brothers. 1861.

The Heidenmauer; or, The Benedictines. A Legend of the Rhine. By J. Fenimore Cooper. Illustrated from Drawings by F. O. C. Darley. New York: W. A. Townsend & Co. 1861. 12mo. pp. 464.

The Ways of the Hour: a Tale. By J. Fenimore Cooper. Illustrated from Drawings by F. O. C. Darley. New York: W. A. Townsend & Co. 1861. 12mo. pp. 512.

The House on the Moor. By the Author of "Margaret Maitland," "The Days of my Life," "The Laird of Norlaw," &c., &c. New York: Harper and Brothers. 1861. 12mo. pp. 405.

Framley Parsonage. A Novel. By Anthony Trollope, Author of "Doctor Thorne," "The Bertrams," "The Three Clerks," &c., &c., &c. With Illustrations. New York: Harper and Brothers. 1861. 12mo. pp. 530.

Report of the Committee of the Bondholders of the Sandusky, Dayton, and Cincinnati (late Mad River and Lake Erie) Railroad Company. Boston. 1861.

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